Attorney Docket No.: JNG 2004-4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gross	)	Art Unit: *3623*
	)	
Serial No.: *10/771,094*	)	Examiner: Not Assigned
	)	
Filed: 02/02/2004	)	
	)	
For: *Media queue replenisher*	)	

NOTICE OF CONCURRENT LITIGATION PROCEEDINGS PROVIDED PURSUANT TO MPEP 2001.06(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

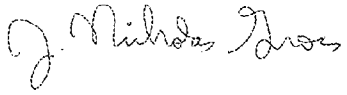
Sir:

Pursuant to 37 C.F.R. § 1.56 and MPEP 2001.06(c) the Patent Owner hereby submits the present Notice of Concurrent Litigation Proceeding involving the following patent: 7,389,243 - which is the subject of an action in Northern District of California captioned as *MEDIA QUEUE V. NETFLIX ET AL.*, NO. CV-09-01027. They are:

- Defendant Netflix's Invalidity Contentions and Accompanying Document Production Pursuant to Patent Local Rules 3-3 and 3-4
- Defendant Netflix's Exhibit 1 to Its Invalidity Contentions

The present application and the above patent both derive support from a common provisional application.

Respectfully submitted,



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MEDIA QUEUE, Plaintiff, v. NETFLIX, et al., Defendants.	Civil Action No. 3:09-cv-01027-SI JURY TRIAL REQUESTED

DEFENDANT NETFLIX, INC.'S INVALIDITY CONTENTIONS AND ACCOMPANYING DOCUMENT PRODUCTION PURSUANT TO PATENT LOCAL RULES 3-3 AND 3-4

Pursuant to Northern District of California Patent Local Rules 3-3 and 3-4, Defendant Netflix, Inc. ("Netflix") hereby serves its Invalidity Contentions and accompanying Document Production upon Plaintiff Media Queue, LLC ("Media Queue").

On February 2, 2009, Media Queue served its infringement contentions on Netflix pursuant to the Local Patent Rules of the Eastern District of Texas, which had been adopted by the Court prior to transfer. (*See* Media Queue's Infringement Contentions ("Infringement Contentions").) In its Infringement Contentions, Media Queue alleges that unidentified Netflix computers and computer programs infringe Claims 13, 16, 18, 19, 20, 21, 22, 23, 25, and 26 of U.S. Patent 7,389,243 ("the '243 Patent").

General Reservations

As provided for by the Northern District of California Patent Local Rules, Netflix's Invalidity Contentions only pertain to the claims and products that were asserted against Netflix by Media Queue in its Infringement Contentions.

Since the Court has not yet issued a claim construction ruling, Netflix is basing its Invalidity Contentions on the claim construction underlying Media Queue's Infringement Contentions, as best understood by Netflix. Accordingly, Netflix specifically reserves its right to amend or supplement these contentions after the Court issues a ruling on claim construction or other issues, or as otherwise permitted by the Patent Local Rules.

Netflix also notes that discovery has just begun, and therefore, Netflix reserves its right to supplement these contentions in view of further information learned during the course of discovery. Netflix further reserves the right to amend these contentions should Media Queue provide any information that it failed to provide in its Infringement Contentions, or should it amend its Infringement Contentions in any way.

Netflix refers in these contentions to representative descriptions and supporting citations from the prior art, not necessarily to every place where a particular claim term may be found in the prior art references. Additionally, where Netflix cites to a particular figure in a prior art reference in either these contentions or the attached exhibits, the citation should be understood to encompass the caption and description of the figure and any text relating to the figure in addition to the figure itself. Conversely, where a cited portion of text refers to a figure, the citation should be understood to include the figure as well. Netflix may also rely on uncited portions of the prior art references, other publications, and the testimony of experts to establish that it would have been obvious for a person of ordinary skill in the art to modify or combine certain of the cited references so as to render the asserted claims invalid under 35 U.S.C. § 103. Netflix reserves the right to rely on additional, or different, portions of the prior art references and on other

publications and expert testimony to provide context, and as aids to understanding and interpreting the portions cited and the prior art references as a whole.

In addition to the contentions set forth herein, Netflix specifically incorporates herein the contentions and defenses set forth in any of its co-defendants' Invalidity Contentions and any supplements or amendments thereof.

I. IDENTIFICATION OF INVALIDATING PRIOR ART

To the extent the claims are amenable to construction, each of the asserted claims is invalid under 35 U.S.C. §§ 102 and 103. As described more fully below, based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, and assuming that the claims are construed broadly enough to encompass Netflix's current online rental system, Netflix identifies the following prior art as invalidating the asserted claims:

- Netflix's online rental system ("Netflix's Rental System");
- U.S. Patent 6,584,450 ("Hastings");
- U.S. Patent 6,055,505 ("Elston");
- U.S. Patent 6,874,023 ("Pennell");
- U.S. Patent 6,591,094 ("Bentley");
- U.S. Patent 4,766,542 ("Pilarczyk");
- "Access Self Study Texas State Library Division f/t Blind and Handicapped, Volume 7, Functional Requirements" ("Texas Library Reference") (*see also* Exhs. G1-2);
- "Automated Circulation Systems in Libraries Serving the Blind and Physically Handicapped: A Reference Guide for Planning" ("Wanger");
- U.S. Patent 6,513,017 ("Howard:);
- "The New York State Library for the Blind and Visually Handicapped Automated Circulation System" ("Anderson") (*see also* Exhs. J1-2);
- "BizTalk: Unleashed" ("BizTalk Reference");

- "MaintStar Brochure" ("MaintStar Reference");
- "Coding a Custom Alert Service" ("Konshak");
- "E-Commerce Inventory Management System Offers Unprecedented Solution for Cost Savings" ("E-Commerce Reference");
- "Power Agent" ("Power Agent Reference");
- "SOAP May Help Automate B2B" ("SOAP Reference");
- The Ph.D. Thesis of Martin Skold ("Skold");
- "Triggers for Object Oriented Database Systems" ("McKeown");
- U.S. Patent App. 2002/0154157 ("Sherr");
- U.S. Patent 5,742,757 ("Hamadani");
- U.S. Patent 6,266,649 ("Linden");
- U.S. Patent 6,317,722 ("Jacobi");
- U.S. Patent 6,826,560 ("Leymann");
- U.S. Patent 6,910,070 ("Mishra");
- U.S. Patent 7,324,961 ("Al-Azzawe");
- "Automated Residence Hall Internet Signups" ("Miller");
- "A Flexible and Recoverable Client/Server Database Event Notification System" ("Hanson");
- "Email Alerts Show Growing Potential" ("Dedman");
- "INCOMNET Launches New Euro-Style Prepaid Calling Card" ("INCOMNET Reference");
- "LIBRARIES & LITERACY Libraries Consider Needs of Community" ("Gam");
- "Support of Intelligent Integration of Information Using an Asynchronous Trigger Processor" ("Hanson II");
- U.S. Provisional Patent App. 60/212193 ("Hastings II");
- International Patent App. WO 2001/046930 ("Young");

- International Patent App. WO 2001/060063 ("Lee")
- Siebel 7.5 Integration BMC Software PATROL for Siebel eBusiness Applications 3.0 ("Siebel Reference");
- U.S. Patent 5,699,526 ("Siefert");
- Georgia Regional Library for the Blind Website and System ("Georgia Library Reference");
- Andrew Haskell Library Website ("Andrew Haskell Reference");
- Derivation by applicant for what became the '243 Patent ("Derivation by Gross"); and
- Prior invention of the subject matter of the asserted claims by Netflix's employees ("Netflix's Prior Inventions").

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood.

A. Netflix's Online Rental System

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, and assuming that the claims are construed broadly enough to encompass Netflix's current online rental system, Netflix's system, which was in public use or known before the priority date of the patent in suit, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a) and (b) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Hastings, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference,

Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

B. Netflix's U.S. Patent 6,584,450

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, and assuming that the claims are construed broadly enough to encompass Netflix's U.S. patent, Hastings, issued on June 24, 2003, based on an application filed on April 28, 2000, is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

C. U.S. Patent 6,055,505 (Elston)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Elston, granted April 25, 2000, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

D. U.S. Patent 6,874,023 (Pennell)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Pennell, granted Mar. 29, 2005, is based on an application filed on November 10, 1999, and is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP

Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

E. U.S. Patent 6,591,094 (Bentley)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Bentley, granted July 8, 2003, is based on an application filed on April 11, 2000, and is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

F. U.S. Patent 4,766,542 (Pilarczyk)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Pilarczyk, granted on August 23, 1988, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

G. Access Self Study Texas State Library Division f/t Blind and Handicapped, Volume 7, Functional Requirements

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "Access Self Study Texas State Library Division f/t Blind and Handicapped, Volume 7, Functional Requirements" (December 15, 1987) describes a system that was in public use on or before the priority date of the '243 patent. It and the system it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell,

Bentley, Pilarczyk, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

H. Automated Circulation Systems in Libraries Serving the Blind and Physically Handicapped: A Reference Guide for Planning (Wanger)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Wanger (May 15, 1981) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

I. U.S. Patent 6,513,017 (Howard)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Howard, granted Jan 28, 2003, is based on an application filed on April 14, 1997, and is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

J. The New York State Library for the Blind and Visually Handicapped Automated Circulation System (Anderson)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Anderson (1978) describes a system that

was in public use on or before the priority date of the '243 patent. It and the system it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

K. BizTalk: Unleashed

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "BizTalk: Unleashed" (March 2001) is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee,

the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

L. MaintStar Brochure

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "MaintStar Brochure" (March 2001) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims, of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

M. Coding a Custom Alert Service (Konshak)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Konshak (February 2001) is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

N. E-Commerce Inventory Management System Offers Unprecedented Solution for Cost Savings

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "E-Commerce Inventory Management System Offers Unprecedented Solution for Cost Savings" (July 2000) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk,

the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

O. Power Agent

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "Power Agent" (February 1995) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art,

including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

P. SOAP May Help Automate B2B

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "SOAP May Help Automate B2B" (January 15, 2001) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

Q. Ph.D. Thesis of Martin Skold (Skold)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Skold (1997) is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243

Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

R. Triggers for Object Oriented Database Systems (McKeown)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, McKeown (1977) is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

S. U.S. Patent App. 2002/0154157 (Sherr)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Sherr, filed April 6, 2001 and published October 24, 2002, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

T. U.S. Patent 5,742,757 (Hamadani)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Hamadani, granted April 21, 1998, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the

asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

U. U.S. Patent 6,266,649 (Linden)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Linden, granted July 24, 2001, describes systems that were in public use before the priority date of the '243 Patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee,

the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

V. U.S. Patent 6,317,722 (Jacobi)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Jacobi, granted November 13, 2001, describes systems that were in public use before the priority date of the '243 Patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

W. U.S. Patent 6,826,560 (Leymann)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Leymann, granted November 30, 2004, is based on an application filed on June 30, 2000, and is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

X. U.S. Patent 6,910,070 (Mishra)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Mishra, granted June 21, 2005, is based on an application filed on January 24, 2000, and is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference,

the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

Y. U.S. Patent 7,324,961 (Al-Azzawe)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Al-Azzawe, granted January 29, 2008, is based on an application filed on June 21, 2001, and is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

Z. Automated Residence Hall Internet Signups (Miller)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Miller (2000) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

AA. A Flexible and Recoverable Client/Server Database Event Notification System (Hanson)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Hanson (1996) is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the

Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

BB. Email Alerts Show Growing Potential (Dedman)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Dedman (February 1998) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the

similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

CC. INCOMNET Launches New Euro-Style Prepaid Calling Card

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "INCOMNET Launches New Euro-Style Prepaid Calling Card" (October 1993) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

DD. LIBRARIES & LITERACY Libraries Consider Needs of Community (Gam)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Gam (June 4, 1993) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it

describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

EE. Support of Intelligent Integration of Information Using an Asynchronous Trigger Processor (Hanson II)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Hanson II (June 2000) is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hastings II, Young, Lee, the Siebel Reference, Siefert, the

Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

FF. U.S. Provisional Patent App. 60/212193 (Hastings II)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, and assuming that the claims are construed broadly enough to encompass Netflix's current online rental system, Netflix's patent application, Hastings II, filed June 16, 2000, and publicly accessible on the United States Patent and Trademark Office website, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b) and/or (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the

similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

GG. International Patent App. WO 2001/046930 (Young)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Young, filed on December 12, 2000 and published on June 28, 2001, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

HH. International Patent App. WO 2001/060063 (Lee)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Lee, filed on January 15, 2001 and published on August 16, 2001, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk,

the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

II. Siebel 7.5 Integration BMC Software PATROL for Siebel eBusiness Applications 3.0

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the publication "Siebel 7.5 Integration BMC Software PATROL for Siebel eBusiness Applications 3.0" (2002) describes systems that were in public use on or before the priority date of the '243 patent. It and the systems it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

JJ. U.S. Patent 5,699,526 (Siefert)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Siefert, granted December 16, 1997, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), (e), and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, the Georgia Library Reference, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

KK. Georgia Regional Library for the Blind Website

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the Georgia Regional Library for the Blind Website published December 12, 1997 describes a system that was in public use prior to

the priority date of the '243 Patent. It and the system it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Andrew Haskin Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

LL. Andrew Haskell Library Website

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, the Andrew Haskell Library Website published August 2002 describes a system that was in public use prior to the priority date of the '243 Patent. It and the system it describes are prior art to the '243 Patent under 35 U.S.C. §§ 102(a), (b), and (g) that anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, Derivation by Gross, and/or Netflix's Prior Inventions.

MM. Derivation and Prior Invention by Netflix

To the extent they are amenable to construction, each of the asserted claims of the '243 Patent is invalid under 35 U.S.C. §§ 102(f) and (g) as set forth below and further detailed *supra* and in Exhibit 1.

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, John Gross did not invent the subject matter he sought to patent in the U.S. Patent 7,389,243, and the asserted claims are thus invalid under 35 U.S.C. § 102(f) in view of subject matter invented by others in this country that Mr. Gross derived from those others. In the alternative, Claims 13, 16, 18, 19, 20, 21, 22, 23, 25, and 26 of the '243 Patent are rendered obvious under 35 U.S.C. § 103 in view of subject matter invented by others in this country that Mr. Gross derived from those others, either alone or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, and/or Netflix's Prior Inventions. A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

Furthermore, the subject matter of the '243 Patent was invented in this country by others who did not abandon, suppress, or conceal the invention before Mr. Gross purportedly invented that subject matter, thereby anticipating Claims 13, 16, 18, 19, 20, 21, 22, 23, 25, and 26 of the '243 Patent under § 102(g), and/or rendering them obvious

under 35 U.S.C. § 103 alone, or in combination with at least: Netflix's Rental System, Elston, Pennell, Bentley, Pilarczyk, the Texas Library Reference, Wanger, Howard, Anderson, the BizTalk Reference, the MaintStar Reference, Konshak, the E-Commerce Reference, the Power Agent Reference, the SOAP Reference, Skold, McKeown, Sherr, Hamadani, Linden, Jacobi, Leymann, Mishra, Al-Azzawe, Miller, Hanson, Dedman, the INCOMNET Reference, Gam, Hanson II, Hastings II, Young, Lee, the Siebel Reference, Siefert, the Georgia Library Reference, the Andrew Haskin Reference, and/or Derivation by Gross. A combination of these references would have been obvious to one having ordinary skill in the art based at least in part on the scope and content of the prior art, including any teaching or suggestion to combine therein, the level of skill in the art, the similarities between the prior art and the claims, and the nature of the problem(s) purportedly solved by the claimed invention.

Reed Hastings and Neil Hunt are employees of Netflix, and they helped to design and to develop its online rental service. Messrs. Hastings and Hunt are named inventors of U.S. Patent Number 6,584,450, as additionally detailed in Part I.B of this disclosure and Exhibit B. Messrs. Hastings and Hunt are also named inventors of the invention described in U.S. Provisional Patent Application 60/212193, as additionally detailed in Part I.FF of this disclosure and Exhibit FF. Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, Netflix employees conceived of the subject matter of these inventions and any others that Media Queue alleges infringe the '243 Patent prior to John Gross's purported conception of the subject matter of the '243 Patent, and diligently reduced them to practice thereafter, as detailed in Parts I.A, I.B, and I.FF of this disclosure and Exhibits A1-6, B, and FF. Netflix has not abandoned, suppressed, or concealed the subject matter of its inventions, as detailed in Parts I.A, I.B, and I.FF of this disclosure and Exhibits A1-6, B, and FF. As such, the subject matter of the asserted claims of the '243 Patent are anticipated under

35 U.S.C. § 102(g) or rendered obvious based on the prior inventions of Netflix's employees alone or in the combinations identified *supra*.

To the extent that Media Queue alleges that Mr. Gross invented anything novel and nonobvious in the '243 Patent, he derived the subject matter of that purported invention from Netflix. Mr. Gross had access to both the Netflix online rental system and to the '450 patent and referenced the same a number of times in the specification of the '243 Patent. As such, the subject matter of the asserted claims of the '243 Patent was derived from the inventions of Netflix's employees by Mr. Gross, making the asserted claims of the '243 Patent invalid under 35 U.S.C. § 102(f), or rendering them obvious based on Mr. Gross's derivation alone or in the combinations identified *supra*.

II. CHARTS IDENTIFYING EACH ELEMENT OF EACH ASSERTED CLAIM FOUND IN THE PRIOR ART

In accordance with Patent Local Rule 3-3(c), charts identifying where specifically in each item of the prior art (listed *supra* in Part I) each element of each asserted claim of the '243 Patent can be found are attached as Exhibit 1. These references further render each asserted claim of the '243 Patent obvious alone, or in the combinations identified *supra* in Part I.

III. INVALIDITY BASED ON INDEFINITENESS UNDER 35 U.S.C. § 112(2)

Each asserted claim of the '243 Patent is invalid as indefinite under 35 U.S.C. § 112(2) because each claim recites numerous terms with meanings not readily apparent to one having ordinary skill in the art, and the specification does not sufficiently disclose the meaning or definitions of these terms so as to particularly point out and distinctly claim the subject matter claimed. For example, at least the following terms and phrases render the claims of the '243 Patent invalid: "activity in a subscriber rental queue associated with the subscriber," "defining a set of notification rules for the subscriber rental queue," "notification rules" that are "authorized by the subscriber," "queue replenishment control rules" that are "authorized by the subscriber," "monitoring the subscriber rental queue in

accordance with said [rules]," "a composition should be altered through additions of playable media titles," "ordering of playable media titles in the subscriber rental queue should be altered," "include a trigger event to be used in determining when said subscriber rental queue should be modified," "sending an electronic notification . . . in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules," "causing said recommender system to interact with the subscriber," "provide a playable media title recommendation in response to user input provided within a response to said electronic notification," "adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system," "directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue," and "said subscriber accepting and/or modifying said proposed alteration based on said directions."

IV. INVALIDITY BASED ON UNPATENTABLE SUBJECT MATTER UNDER 35 U.S.C. § 101

To the extent the claims are amenable to construction, each of the asserted claims of the '243 Patent is invalid under 35 U.S.C. § 101 because each is not directed to patentable subject matter. For example, the asserted claims are not tied to a particular machine or apparatus, and they do not transform a particular article into a different state or thing. *See In re Bilski*, 2008 U.S. App. LEXIS 22479 (Fed. Cir. Oct. 30, 2008); *Ex parte R. Mark Halligan and Richard Weyand*, No. 2008-1588 (Bd. Pat. App. & Interf. Nov. 24, 2008).

V. INVALIDITY BASED ON FAILURE TO COMPLY WITH THE ENABLEMENT AND WRITTEN DESCRIPTION REQUIREMENTS OF 35 U.S.C. § 112(1)

To the extent the claims are amenable to construction, each of the asserted claims of the '243 Patent is invalid under 35 U.S.C. § 112(1) because the specification does not enable one of ordinary skill in the art or disclose to one of ordinary skill in the art how to make or use at least the following: "activity in a subscriber rental queue associated with

the subscriber," "defining a set of notification rules for the subscriber rental queue," "queue replenishment control rules" that are "authorized by the subscriber," "notification rules" that are "authorized by the subscriber," "monitoring the subscriber rental queue in accordance with said [rules]," "a composition should be altered through additions of playable media titles," "ordering of playable media titles in the subscriber rental queue should be altered," "include a trigger event to be used in determining when said subscriber rental queue should be modified," "sending an electronic notification . . . in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules," "causing said recommender system to interact with the subscriber," "provide a playable media title recommendation in response to user input provided within a response to said electronic notification," "adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system," "directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue," and "said subscriber accepting and/or modifying said proposed alteration based on said directions." The specification does not enable one of ordinary skill in the art to practice the full scope of the claimed subject matter without undue experimentation.

Moreover, to the extent the claims are amenable to construction, each of the asserted claims is invalid for lack of written description because the specification fails to convey that the named inventor was in possession of the claimed subject matter at the time the application that gave rise to the '243 Patent was filed.

Dated: March 24, 2009

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Defendant Netflix's Exhibit 1 to Its Invalidity Contentions

A. Netflix's Online Rental System

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, and assuming that the claims are construed broadly enough to encompass Netflix's current system, Netflix's system, which was in public use or known before the priority date of the patent in suit, is prior art to the '243 Patent under 35 U.S.C. §§ 102(a) and (b) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in the accompanying Invalidity Contentions. (*See* Exhs. A1-6). In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix prior art system notified subscribers of the status of the subscriber's rental queue. (*See, e.g.* Exh. A(1) (especially, for example, NFX0000069 & 0144); Exh. A(6) (ship/receive e-mails); Exh. A(3) (Netflix press releases announcing rental service); Exh. A(4) (Las Vegas Review Journal article describing ship/receive e-mails); Exh. A(5).)
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step merely requires the writing and running of computer programs that control the process of sending electronic notifications to subscribers, Netflix's prior-art system used a computer program. (*See, e.g.* Exh. A(1) (especially, for example, NFX0000069 & 0144); Exh. A(6) (ship/receive e-mail examples); Exh. A(4) (describing ship/receive e-mails); Exh. A(5).) Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix's prior art system allowed for authorization.

b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix's prior art system allowed for authorization. Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that queue replenishment control rules merely require a user to choose a subscription plan, agree to Netflix's Terms of Use, create one or more user profiles, and/or choose a shipping address, Netflix's prior art system use such so-called queue replenishment control rules. (*See, e.g.,* Exhs. A(3) & (4) (describing the prior use of Netflix's system); Exh. A(1) (especially, for example, NFX0000069 & 0144); Exh. A(6) (ship/receive e-mail examples).)
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	Based on Netflix's understanding of Media Queue's infringement contentions, the prior art e-mail notification was triggered by the quantity of playable media items remaining in the subscriber rental queue. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144).)
c) providing a recommender system configured to provide recommendations for playable media titles;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix's Prior Art System included a recommender system configured to provide subscribers with media title recommendations based on several different variables. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); A(6); A(3) & A(4) (describing a recommender system).)
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification was sent based on a determination that the quantity of playable media items remaining in the subscriber rental queue fell below a pre-determined threshold. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples); A(4) (describing ship/receive e-mails); A(5).)
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	The prior art e-mail notification contained hyperlinks that, based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, would allow the recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to the electronic notification. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples); A(3) & (4) (describing a recommender system).)
f) adding a playable media title recommendation	Based on Netflix's understanding of Media Queue's

to said subscriber rental queue in response to subscriber input to said recommender system.	infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the Netflix's prior art system added a playable media title to the subscriber's rental queue in response to subscriber input to said recommender system, for example, when the subscriber clicks the "Add" button. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples); A(3) & (4) (describing a recommender system).)
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification indicates that the quantity of playable media items is equal to zero. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification indicates that the quantity of playable media items is equal to zero. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification further provides recommendations on newly released playable media items for said subscriber. (*See,e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification further provides recommendations based on genres. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	

Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification contains an embedded URL associated with a playable media item. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix prior art system notified subscribers of the status of the subscriber's rental queue. (*See, e.g.* Exh. A(1) (especially, for example, NFX0000069 & 0144); Exh. A(6) (ship/receive e-mails); Exh. A(3) (Netflix press releases announcing rental service); Exh. A(4) (Las Vegas Review Journal article describing ship/receive e-mails); Exh. A(5).)
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step merely requires the writing and running of computer programs that control the process of sending electronic notifications to subscribers, Netflix's prior-art system used a computer program. (*See, e.g.* Exh. A(1) (especially, for example, NFX0000069 & 0144); Exh. A(6) (ship/receive e-mail examples); Exh. A(4) (describing ship/receive e-mails); Exh. A(5).) Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix's prior art system allowed for authorization.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, Netflix's prior art system allowed for authorization. Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that queue replenishment control rules merely require a user to choose a subscription plan, agree to Netflix's Terms of Use, create one or more user profiles, and/or choose a shipping address, Netflix's prior art system use such so-

	called queue replenishment control rules. (*See, e.g.* Exhs. A(3) & (4) (describing the prior use of Netflix's system); Exh. A(1) (especially, for example, NFX0000069 & 0144); Exh. A(6) (ship/receive e-mail examples).)
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification was sent based on a determination that the quantity of playable media items remaining in the subscriber rental queue fell below a pre-determined threshold. (*See, e.g.* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples); A(4) (describing ship/receive e-mails); A(5).)
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art e-mail notification contained directions to the subscriber to accept and/or modify proposed alterations of the subscriber rental queue. (*See, e.g.* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the subscriber could, at hir/her own election, accept and/or modify said proposed alterations based on said directions. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that this step is construed broadly enough to encompass Netflix's current system, the prior art electronic notification contains an embedded URL. (*See, e.g.,* Exh. A(1) (especially, for example, NFX0000069 & 0144); *see also*, A(6) (ship/receive e-mail examples).)

B. Netflix '450 Patent (Hastings)

Based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood, and assuming that the claims are construed broadly enough to encompass Netflix's current system, Hastings, issued on June 24, 2003, based on an application filed on April 28, 2000, is prior art to the '243 Patent under 35 U.S.C. §§ 102(e) and (g) that anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations detailed in the accompanying Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "According to a computer-implemented approach for renting items to customers, customers specify what items to rent using item selection criteria separate from deciding when to receive the specified items. According to the approach, customers provide item selection criteria to a provider provides the items indicated by the item selection criteria to customer over a delivery channel. The provider may be either centralized or distributed depending upon the requirements of a particular application." Page 1. "The one or more item selection criteria provided by customer 102 to provider 104 indicate the particular items that customer 102 desires to rent from provider 104. Thus, the item selection criteria define a customer-specific order queue that is fulfilled by provider 104." 4:54-58 "Thus, the Max Out approach establishes a size of an inventory of items that may be maintained by the

	customer." 5:37-39. "Links 506 and 510 may be any medium for transferring data between customers 502 and the Internet 508 and between the Internet 508 and provider 504, respectively, and the invention is not limited to any particular medium." 8:14-17. "In the present example, customer 502 uses a generic web browser to access an Internet web site associated with provider 504 and enter into a rental agreement that specifies that customer 502 may maintain a personal inventory of four movies ("Max Out" of four) and receive up to four new movies per month ("Max Turns" of four)" 9:54-59 "A/V items 512 are rented to customers 502 over delivery channels 514 in accordance with the terms of the rental agreement." 9:1-3 "For example, customers may specify priorities for the items indicated by the item selection criteria. Thus, if a particular customer's first choice is not available, or already rented, then the item having the next highest priority can be rented to the particular customer." 11:18-22.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "... the delivery of items from provider 104 to customer 102 is triggered by item delivery criteria being satisfied…Examples of item delivery criteria include, without limitation, customer request/notification, customer notification that an item is being returned..." 5:4-11, see also 14:8-9 "...the delivery criteria may include customer notification generally, customer notification that an item is being returned..." 6:9-12 "The item delivery criteria may be specified by customer 102 to provider 104 or negotiated by customer 102 and provider 104 as part of a subscription service." 5:14-16 "A particular subscription service may include item delivery criteria that specifies that a particular number of items are to be delivered monthly." 5:16-19

	"In the present example, customer 502 uses a generic web browser to access an Internet web site associated with provider 504 and enter into a rental agreement that specifies that customer 502 may maintain a personal inventory of four movies ("Max Out" of four) and receive up to four new movies per month ("Max Turns" of four)" 9:54-59
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "7. A method as recited in claim 1, further comprising: establishing, based upon the one or more item selection criteria, an item rental queue for the customer, wherein the item rental queue contains one or more entries that specify the one or more items that the customer desires to rent; and in response to receiving back any of the items provided to the customer, selecting the one or more other items from the item rental queue." Claim 7 "The item selection criteria indicate items that customer 102 desires to rent from provider 104. In response to receiving the item selection criteria from customer 102, provider 104 provides the items indicated by the item selection criteria to customer 102..." 4:22-27 "The one or more item selection criteria provided by customer 102 to provider 104 indicate the particular items that customer 102 desires to rent from provider 104. Thus, the item selection criteria define a customer-specific order queue that is fulfilled by provider 104." 4:54-58 "In step 306, a determination is made whether the item delivery criteria have been satisfied…delivery criteria may include customer notification generally, customer notification that an item is being returned…Once the item delivery criteria are satisfied, then in step 308, a determination is made whether the specified number of items have been delivered. If not, then control returns to step 304 and one or more additional items are delivered by provider 104 to customer 102." 6:6-18 "Customers 502 create and provide item selection criteria to provider 504..." 8:32-33

	"The item selection attributes may include any attributes that describe, at least in part, movies, games or music that customers 502 desire to rent. For movies. . . artist/group name and year of release." 8:43-50. "Customers 502 may identify specific movies or music by the item selection criteria, or may provide various attributes and allow provider 504 to automatically select particular movies and music that satisfy the attributes specified. For example, ... particular number of movies of different types." 8:50-65 "In the present example, customer 502 uses a generic web browser to access an Internet web site associated with provider 504 and enter into a rental agreement that specifies that customer 502 may maintain a personal inventory of four movies ("Max Out" of four) and receive up to four new movies per month ("Max Turns" of four)" 9:54-59 "Instead of identifying particular movie titles, the movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria. For example, the movie selection criteria may specify a preference for action movies starring a particular actor, with a preference for "new release" movies. Provider 504 attempt [sic.] to provide movies to customer 502 that best satisfy the preferences indicated by the movie selection criteria." 10:3-14. "If, in step 610, a determination is made that one or more movies 512 were received from customer 502, then in step 612, a determination is made whether the maximum number of turns ("Max Turns") limit has been reached for the current cycle. In the present example, a determination is made whether four or more movies have been mailed in the current month. If not, then control returns to step 608, where one or more additional movies 512 are mailed to customer 502 via delivery channel 514 up to the "Max Out" limit of four." 10:43-51 "...customer 502 desires to rent an as-yet-unreleased movie entitled "ABC."...Since the move ABC is not yet available, it cannot be delivered to the particular

	customer 502. However, when the movie ABC does become available, it can be shipped immediately..." 11:26-34 "...as yet unknown items may also be rented by specifying attributes of the unknown items." 11:38-39 "The invention may be implemented in hardware circuitry, in computer software, or a combination of hardware circuitry and computer software and is not limited to a particular hardware or software implementation." 11:53-56
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "Subsequent A/V items 512 are delivered whenever the specified item delivery criteria are satisfied. For example, additional A/V items 512 may be delivered upon the return of one or more A/V items 512 to provider, a request from customers 502, the arrival of a particular date, e.g., a specific day of the month, or the expiration of a specified period of time, e.g., fifteen days." 9:8-14 "Once the one or more initial movies 512 have been mailed to customer 502, then in step 610, a determination is made whether any movies 512 have been returned by customer 502 to trigger another movie delivery. In the present example, the delivery of additional movies is triggered by the receipt, e.g., via mail, of one or more movies from customer 502. In the situation where customer 502 elects to not receive the maximum number of movies 512 in the initial delivery, then the delivery of additional movies 512 may also be triggered by a request from customer 502 for additional movies 512. For example, customer 502 may notify provider 504 via telephone, email or by accessing the web site associated with provider." 10:29-32 "If, in step 610, a determination is made that one or more movies 512 were received from customer 502, then in step 612, a determination is made whether the maximum number of turns ("Max Turns") limit has been reached for the current cycle. In the present example, a determination is made whether four or more movies have been mailed in the current month. If not, then control returns to step 608, where one or more additional movies 512 are mailed to customer

	502 via delivery channel 514 up to the "Max Out" limit of four." 10:43-51 "...customer 502 desires to rent an as-yet-unreleased movie entitled ABC."...Since the move ABC is not yet available, it cannot be delivered to the particular customer 502. However, when the movie ABC does become available, it can be shipped immediately..." 11:26-34 "...as yet unknown items may also be rented by specifying attributes of the unknown items." 11:38-39 "In step 306, a determination is made whether the item delivery criteria have been satisfied…delivery criteria may include customer notification generally, customer notification that an item is being returned…Once the item delivery criteria are satisfied, then in step 308, a determination is made whether the specified number of items have been delivered. If not, then control returns to step 304 and one or more additional items are delivered by provider 104 to customer 102." 6:6-18
c) providing a recommender system configured to provide recommendations for playable media titles;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "The item selection criteria indicate items that customer 102 desires to rent from provider 104. In response to receiving the item selection criteria from customer 102, provider 104 provides the items indicated by the item selection criteria to customer 102 over a delivery channel 108." 4:22-28 "The item selection attributes may include any attributes that describe, at least in part, movies, games or music that customers 502 desire to rent. For movies. . . artist/group name and year of release." 8:43-50. "Customers 502 may identify specific movies or music by the item selection criteria, or may provide various attributes and allow provider 504 to automatically select particular movies and music that satisfy the attributes specified. For example, ... particular number of movies of different types." 8:50-65 "Instead of identifying particular movie titles, the

	movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria. For example, the movie selection criteria may specify a preference for action movies starring a particular actor, with a preference for "new release" movies. Provider 504 attempt to provide movies to customer 502 that best satisfy the preferences indicated by the movie selection criteria." 10:3-11
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "Delivery channel 108 may be implemented by any mechanism or medium that provides for the transfer of items from provider 104 to customer 102 and the invention is not limited to any particular type of delivery channel. Examples of delivery channel 108 include, without limitation, mail delivery, courier delivery or delivery using a delivery agent. Provider 104 may be centralized or distributed depending upon the requirements of a particular application." 4:27-32 "Computer system 700 can send messages and receive data. . ." 13:40-43 "... the delivery of items from provider 104 to customer 102 is triggered by item delivery criteria being satisfied…Examples of item delivery criteria include, without limitation, customer request/notification, customer notification that an item is being returned..." 5:4-11, *see also* 14:8-9 "...the delivery criteria may include customer notification generally, customer notification that an item is being returned..." 6:9-12 "A/V items 512 are rented to customers 502 over delivery channels 514 in accordance with the terms of the rental agreement." 9:1-3
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "Thus, the item selection criteria define a customer-

	specific order queue that is fulfilled by provider 104." 4:56-58 "Item selection criteria may be changed at any time to reflect changes in items that customers desire to rent from a provider." 4:64-67 "More specifically, the delivery of items from provider 104 to customer 102 is triggered by item delivery criteria being satisfied. The item delivery criteria may include a wide range of criteria and the invention is not limited to any particular item delivery criteria. Examples of item delivery criteria include, without limitation, customer request/notification, customer notification that an item is being returned, customer return of an item, the occurrence of a specified date, the elapsing of a specified period of time or a customer payment." 5:6-14 "Customers 502 may identify specific movies or music by the item selection criteria, or may provide various attributes and allow provider 504 to automatically select particular movies and music that satisfy the attributes specified. For example, ... particular number of movies of different types." 8:50-65 "Instead of identifying particular movie titles, the movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria. For example, the movie selection criteria may specify a preference for action movies starring a particular actor, with a preference for "new release" movies. Provider 504 attempt [sic.] to provide movies to customer 502 that best satisfy the preferences indicated by the movie selection criteria." 10:3-14. "The event criteria that trigger sending another item to a customer are very flexible and may be tailored to the requirements of a particular application. For example, as described herein, the event criteria may include a return of any of the items currently in use by the customer or merely customer notification." 14:4-9
f) adding a playable media title recommendation to said subscriber rental queue in response to	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step

subscriber input to said recommender system.	is construed broadly enough to encompass Netflix's current system: "Thus, the item selection criteria define a customer-specific order queue that is fulfilled by provider 104." 4:56-58 "Item selection criteria may be changed at any time to reflect changes in items that customers desire to rent from a provider." 4:64-67 "Customers 502 may identify specific movies or music by the item selection criteria, or may provide various attributes and allow provider 504 to automatically select particular movies and music that satisfy the attributes specified. For example, ... particular number of movies of different types." 8:50-65 "Instead of identifying particular movie titles, the movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria. For example, the movie selection criteria may specify a preference for action movies starring a particular actor, with a preference for "new release" movies. Provider 504 attempt [sic.] to provide movies to customer 502 that best satisfy the preferences indicated by the movie selection criteria." 10:3-14.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system:

	"Instead of identifying particular movie titles, the movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria. For example, the movie selection criteria may specify a preference for action movies starring a particular actor, with a preference for "new release" movies. Provider 504 attempt [sic.] to provide movies to customer 502 that best satisfy the preferences indicated by the movie selection criteria." 10:3-14.
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "The item selection criteria indicate items that customer 102 desires to rent from provider 104. In response to receiving the item selection criteria from customer 102, provider 104 provides the items indicated by the item selection criteria to customer 102 over a delivery channel 108." 4:22-28 "Customers 502 may identify specific movies or music by the item selection criteria, or may provide various attributes and allow provider 504 to automatically select particular movies and music that satisfy the attributes specified. For example, customers 502 may specify item selection criteria that include horror movies released in 1999 and let provider 504 automatically select horror movies that were release in 1999." 8:50-57 "Instead of identifying particular movie titles, the movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria. For example, the movie selection criteria may specify a preference for action movies starring a particular actor, with a preference for "new release" movies. Provider 504 attempt to provide movies to customer 502 that best satisfy the preferences indicated by the movie selection criteria." 10:3-11

Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "According to a computer-implemented approach for renting items to customers, customers specify what items to rent using item selection criteria separate from deciding when to receive the specified items. According to the approach, customers provide item selection criteria to a provider provides the items indicated by the item selection criteria to customer over a delivery channel. The provider may be either centralized or distributed depending upon the requirements of a particular application." Page 1. "The one or more item selection criteria provided by customer 102 to provider 104 indicate the particular items that customer 102 desires to rent from provider 104. Thus, the item selection criteria define a customer-specific order queue that is fulfilled by provider 104." 4:54-58 "Links 506 and 510 may be any medium for transferring data between customers 502 and the Internet 508 and between the Internet 508 and provider 504, respectively, and the invention is not limited to any particular medium." 8:14-17.

	"In the present example, customer 502 uses a generic web browser to access an Internet web site associated with provider 504 and enter into a rental agreement that specifies that customer 502 may maintain a personal inventory of four movies ("Max Out" of four) and receive up to four new movies per month ("Max Turns" of four)" 9:54-59 "A/V items 512 are rented to customers 502 over delivery channels 514 in accordance with the terms of the rental agreement." 9:1-3 "For example, customers may specify priorities for the items indicated by the item selection criteria. Thus, if a particular customer's first choice is not available, or already rented, then the item having the next highest priority can be rented to the particular customer." 11:18-22.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "... the delivery of items from provider 104 to customer 102 is triggered by item delivery criteria being satisfied…Examples of item delivery criteria include, without limitation, customer request/notification, customer notification that an item is being returned..." 5:4-11, see also 14:8-9 "...the delivery criteria may include customer notification generally, customer notification that an item is being returned..." 6:9-12 "The item delivery criteria may be specified by customer 102 to provider 104 or negotiated by customer 102 and provider 104 as part of a subscription service." 5:14-16 "The item delivery criteria may be specified by customer 102 to provider 104 or negotiated by customer 102 and provider 104 as part of a subscription service." 5:14-16 "A particular subscription service may include item delivery criteria that specifies that a particular number of items are to be delivered monthly." 5:16-19 "In the present example, customer 502 uses a generic web browser to access an Internet web site associated with provider 504 and enter into a rental agreement that specifies that customer 502 may

	maintain a personal inventory of four movies ("Max Out" of four) and receive up to four new movies per month ("Max Turns" of four)" 9:54-59
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "7. A method as recited in claim 1, further comprising: establishing, based upon the one or more item selection criteria, an item rental queue for the customer, wherein the item rental queue contains one or more entries that specify the one or more items that the customer desires to rent; and in response to receiving back any of the items provided to the customer, selecting the one or more other items from the item rental queue." Claim 7 "The item selection criteria indicate items that customer 102 desires to rent from provider 104. In response to receiving the item selection criteria from customer 102, provider 104 provides the items indicated by the item selection criteria to customer 102..." 4:22-27 "The one or more item selection criteria provided by customer 102 to provider 104 indicate the particular items that customer 102 desires to rent from provider 104. Thus, the item selection criteria define a customer-specific order queue that is fulfilled by provider 104." 4:54-58 "In step 306, a determination is made whether the item delivery criteria have been satisfied…delivery criteria may include customer notification generally, customer notification that an item is being returned…Once the item delivery criteria are satisfied, then in step 308, a determination is made whether the specified number of items have been delivered. If not, then control returns to step 304 and one or more additional items are delivered by provider 104 to customer 102." 6:6-18 "Customers 502 create and provide item selection criteria to provider 504..." 8:32-33 "The item selection attributes may include any attributes that describe, at least in part, movies, games or music that customers 502 desire to rent. For movies. . . artist/group name and year of release." 8:43-50.

	"Customers…may provide various attributes and allow provider 504 to automatically select particular movies and music that satisfy the attributes specified. For example, . . . particular number of movies of different types." 8:50-65 "In the present example, customer 502 uses a generic web browser to access an Internet web site associated with provider 504 and enter into a rental agreement that specifies that customer 502 may maintain a personal inventory of four movies ("Max Out" of four) and receive up to four new movies per month ("Max Turns" of four)" 9:54-59 "Instead of identifying particular movie titles, the movie selection criteria may specify movie preferences for customer 502, e.g., types of movies, directors, actors, or any other movie preferences or attributes. In this situation, provider 504 automatically selects particular titles that satisfy the movie selection criteria." 10:3-9 "Once the one or more initial movies 512 have been mailed to customer 502, then in step 610, a determination is made whether any movies 512 have been returned by customer 502 to trigger another movie delivery. In the present example, the delivery of additional movies is triggered by the receipt, e.g., via mail, of one or more movies from customer 502. In the situation where customer 502 elects to not receive the maximum number of movies 512 in the initial delivery, then the delivery of additional movies 512 may also be triggered by a request from customer 502 for additional movies 512. For example, customer 502 may notify provider 504 via telephone, email or by accessing the web site associated with provider." 10:29-32 "If, in step 610, a determination is made that one or more movies 512 were received from customer 502, then in step 612, a determination is made whether the maximum number of turns ("Max Turns") limit has been reached for the current cycle. In the present example, a determination is made whether four or more movies have been mailed in the current month. If not, then control returns to step 608, where one or more additional movies 512 are mailed to customer 502 via delivery channel 514 up to the "Max Out" limit of four." 10:43-51 "...customer 502 desires to rent an as-yet-unreleased

	movie entitled "ABC."...Since the move ABC is not yet available, it cannot be delivered to the particular customer 502. However, when the movie ABC does become available, it can be shipped immediately..." 11:26-34 "...as yet unknown items may also be rented by specifying attributes of the unknown items." 11:38-39 "The invention may be implemented in hardware circuitry, in computer software, or a combination of hardware circuitry and computer software and is not limited to a particular hardware or software implementation." 11:53-56
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "Delivery channel 108 may be implemented by any mechanism or medium that provides for the transfer of items from provider 104 to customer 102 and the invention is not limited to any particular type of delivery channel. Examples of delivery channel 108 include, without limitation, mail delivery, courier delivery or delivery using a delivery agent. Provider 104 may be centralized or distributed depending upon the requirements of a particular application." 4:27-32 "Computer system 700 can send messages and receive data. . ." Colum 13:40-43 "... the delivery of items from provider 104 to customer 102 is triggered by item delivery criteria being satisfied…Examples of item delivery criteria include, without limitation, customer request/notification, customer notification that an item is being returned..." 5:4-11, see also 14:8-9 "... the delivery criteria may include customer notification generally, customer notification that an item is being returned..." 6:9-12 "A/V items 512 are rented to customers 502 over delivery channels 514 in accordance with the terms of the rental agreement." 9:1-3 "The event criteria that trigger sending another item to a customer are very flexible and may be tailored to the requirements of a particular application. For

	example, as described herein, the event criteria may include a return of any of the items currently in use by the customer or merely customer notification." 14:4-9
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "...the delivery criteria may include customer notification generally, customer notification that an item is being returned..." 6:9-12 "The event criteria that trigger sending another item to a customer are very flexible and may be tailored to the requirements of a particular application. For example, as described herein, the event criteria may include a return of any of the items currently in use by the customer or merely customer notification." 14:4-9
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: "...the delivery criteria may include customer notification generally, customer notification that an item is being returned..." 6:9-12 "The event criteria that trigger sending another item to a customer are very flexible and may be tailored to the requirements of a particular application. For example, as described herein, the event criteria may include a return of any of the items currently in use by the customer or merely customer notification." 14:4-9
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

C. U.S. Patent 6,055,505 (Elston)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Elston, granted April 25, 2000, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs." 1:36-38, *see also* 3:1-11 "The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "In a preferred embodiment of the present invention, information describing financial institution products is also delivered with the notification. Product information may include but is not limited to descriptions of auto loan, mortgage, home equity loan, college loan, investment, high yield account, and certificates of deposit programs. Product information may be tailored to anticipated customer needs based on customer demographics." 3:19-25 "The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile (FAX) pager, and electronic mail." 4:2-5 "The best mode of the present invention describes notification of financial events. However, there are

	many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs. " 1:36-38; *see also* 2:43-44; 3:1-11 "Customer 20 wishing to use the present invention first configures options including events, times, and destinations for notification. For example, customer 20 may want to be notified in the event that a social security check is deposited. . . ." 2:57-61; *see also*, Figs. 2 & 3. "At least one menu is presented 54. Options related to the type of notification are presented to customer 20. Types of events may include but are not limited to payroll deposit, social security deposit, investment update, loan or mortgage overdue, overdraft, and reserve account activation. Once a type is selected, additional information may be requested. At least one notification type selection is accepted 56. Selections and entries by customer 20 are stored. The mechanism for detecting a triggering event is also notified. Delivery time and destination are accepted 58. Customer 20 is prompted for a range of times and days during which notification can occur. Customer 20 is also prompted for at least one location to which notification will be sent. The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile (FAX), pager, and electronic mail. The location may also include security options. For example, a person receiving a notification telephone call may have to correctly enter a password prior to being told the amount of deposit." 3:56- 4:5 "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs. " 1:36-38; *see also* 3:1-11 "The present invention attempts to lessen the burden

altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "Customer 20 wishing to use the present invention first configures options including events, times, and destinations for notification." 2:57-60 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration. It is possible that customer 20 is not available to respond to a notification attempt, in which case the notification may be repeated. The option to repeat until successful or for a particular number of attempts may be set by customer 20 or by financial institution 26. Unsuccessful attempts as well as successful notification will be tracked for reporting." 3:1-17 "At least one notification type selection is accepted 56. Selections and entries by customer 20 are stored. The mechanism for detecting a triggering event is also notified." 3:63-65. "Delivery time and destination are accepted 58. Customer 20 is prompted for a range of times and days during which notification can occur. Customer 20 is also prompted for at least one location to which notification will be sent. The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile (FAX), pager, and electronic mail. The location may also include security options. For example, a person receiving a notification telephone call may have to correctly enter a password prior to being told the amount of deposit." 3:66-4:5 "Application processor 108 is in communication with database server 102 and is operative to process and store customer options, set triggers and respond to trigger events, and generate appropriate

	notification messages based on the customer options, trigger event, and financial data." 4:43-47. "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration. It is possible that customer 20 is not available to respond to a notification attempt, in which case the notification may be repeated. The option to repeat until successful or for a particular number of attempts may be set by customer 20 or by financial institution 26. Unsuccessful attempts as well as successful notification will be tracked for reporting." 3:1-17 "At least one menu is presented 54. Options related to the type of notification are presented to customer 20. Types of events may include but are not limited to payroll deposit, social security deposit, investment update, loan or mortgage overdue, overdraft, and reserve account activation. Once a type is selected, additional information may be requested. At least one notification type selection is accepted 56. Selections and entries by customer 20 are stored. The mechanism for detecting a triggering event is also notified. Delivery time and destination are accepted 58. Customer 20 is prompted for a range of times and days during which notification can occur. Customer 20 is also prompted for at least one location to which notification will be sent. The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile (FAX), pager, and electronic mail. The location may also include security options. For example, a person receiving a notification telephone call may have to correctly enter a password prior to being told the

	amount of deposit." 3:56- 4:5
c) providing a recommender system configured to provide recommendations for playable media titles;	"information describing financial institution products is also delivered with the notification. …Product information may be tailored to anticipated customer needs based on customer demographics." 3:19-26 "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs." 1:36-38; *see also* 2:43-44, 3:1-11 "The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration. It is possible that customer 20 is not available to respond to a notification attempt, in which case the notification may be repeated. The option to repeat until successful or for a particular number of attempts may be set by customer 20 or by financial institution 26. Unsuccessful attempts as well as successful notification will be tracked for reporting." 3:9-17 "Possible media may include but are not limited to telephone, facsimile (FAX) pager, and electronic mail." 4:2-5 "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option

	information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the

	triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11

Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	"In the embodiment shown in Fig. 2, the triggering event occurs periodically, and notification will continue until customer 20 or financial institution 26 switches off notification." 3:27-29. "The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration. It is possible that customer 20 is not available to respond to a notification attempt, in which case the notification may be repeated. The option to repeat until successful or for a particular number of attempts may be set by customer 20 or by financial institution 26. Unsuccessful attempts as well as successful notification will be tracked for reporting." 3:9-17
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a	"It is a primary object of the present invention to proactively notify a customer using the

subscriber rental queue associated with the subscriber, including the steps of:	telecommunications system when an event specified by that customer occurs." 1:36-38, *see also* 3:1-11 "The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "In a preferred embodiment of the present invention, information describing financial institution products is also delivered with the notification. Product information may include but is not limited to descriptions of auto loan, mortgage, home equity loan, college loan, investment, high yield account, and certificates of deposit programs. Product information may be tailored to anticipated customer needs based on customer demographics." 3:19-25 "The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile(FAX) pager, and electronic mail." 4:2-5 "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs. " 1:36-38; *see also* 2:43-44; 3:1-11 "Customer 20 wishing to use the present invention first configures options including events, times, and destinations for notification. For example, customer 20 may want to be notified in the event that a social security check is deposited. . . ." 2:57-61; *see also*, Figs. 2 & 3. "At least one menu is presented 54. Options related to the type of notification are presented to customer 20. Types of events may include but are not limited to payroll deposit, social security deposit, investment update, loan or mortgage overdue, overdraft, and reserve account activation. Once a type is selected, additional information may be requested. At least one notification type selection is accepted 56. Selections and entries by customer 20

	are stored. The mechanism for detecting a triggering event is also notified. Delivery time and destination are accepted 58. Customer 20 is prompted for a range of times and days during which notification can occur. Customer 20 is also prompted for at least one location to which notification will be sent. The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile (FAX), pager, and electronic mail. The location may also include security options. For example, a person receiving a notification telephone call may have to correctly enter a password prior to being told the amount of deposit." 3:56- 4:5 "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs. " 1:36-38; *see also* 3:1-11 "The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "Customer 20 wishing to use the present invention first configures options including events, times, and destinations for notification." 2:57-60 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration. It is possible that customer 20 is not available to respond to a notification attempt, in which case the notification may be repeated. The option to repeat until successful or for a particular number of attempts may be set by customer 20 or by

	financial institution 26. Unsuccessful attempts as well as successful notification will be tracked for reporting." 3:1-17 "At least one notification type selection is accepted 56. Selections and entries by customer 20 are stored. The mechanism for detecting a triggering event is also notified." 3:63-65. "Delivery time and destination are accepted 58. Customer 20 is prompted for a range of times and days during which notification can occur. Customer 20 is also prompted for at least one location to which notification will be sent. The location includes the notification medium. Possible media may include but are not limited to telephone, facsimile (FAX), pager, and electronic mail. The location may also include security options. For example, a person receiving a notification telephone call may have to correctly enter a password prior to being told the amount of deposit." 3:66- 4:5 "Application processor 108 is in communication with database server 102 and is operative to process and store customer options, set triggers and respond to trigger events, and generate appropriate notification messages based on the customer options, trigger event, and financial data." 4:43-47. "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"It is a primary object of the present invention to proactively notify a customer using the telecommunications system when an event specified by that customer occurs." 1:36-38, *see also* 2:43-44, 3:1-11 "The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration. It is possible that customer 20 is not available to respond to a notification attempt, in which case the notification may be repeated. The option to repeat until successful or for a particular number of attempts may be set by customer 20 or by financial institution 26. Unsuccessful attempts as well as successful notification will be tracked for reporting." 3:9-17

	"Possible media may include but are not limited to telephone, facsimile (FAX) pager, and electronic mail." 4:2-5 "The best mode of the present invention describes notification of financial events. However, there are many applications of the present invention. For example, medical patients could use the present invention to be notified of test results..." 5:3-12
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11 "information describing financial institution products is also delivered with the notification. …Product information may be tailored to anticipated customer needs based on customer demographics." 3:19-26
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	"The present invention attempts to lessen the burden on call centers and other business personnel and provide convenience to customer 20 by automatically notifying customer 20 when a triggering event occurs." 2:39-44 "A trigger event is waited for 34. For example, a trigger event may be the deposit of a social security check in financial institution 26. Stored options and financial information is retrieved 36. Once the

	triggering event occurs, the financial information specified by customer 20 as well as option information describing how and when the financial information is to be delivered are retrieved from one or more databases. The customer is notified 38. Customer 20 receives notification of the event during the time and at the location specified during configuration." 3:1-11
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

D. U.S. Patent 6,874,023 (Pennell)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Pennell, granted Mar. 29, 2005 based on an application filed on November 10, 1999, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Methods and apparatus …provide for accessing web sites on which the user has an account and providing notification of changes at the site." 1:47-50 "The web sites provide such diverse services as online stock brokerage accounts 102, retail accounts 103, travel services 104, online auctions 105, online magazines and newspapers 106, and the like" 1:24-26 "A user receives notification of changes and status of multiple online accounts while visiting web site 200." 2:25-27
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The notification screen 201 provides up to date information for each of the sites listed in the screen 201. In one instance, the listed sites are previously selected by the user. The sites are listed if a change in status of the user's account at the sites is detected by the change notification software." 2:45-49. "The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when requested by the user." 2:57-60; *see also*, Figs. 2 & 6.

	"By selecting a check box associated with a particular web site, a user may delete the e-mail address used by that particular website to communicate with the user so that the user no longer receives email messages from the web site. For example, …." 3:66 to 4:8. "...the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated..." 4:9-12 "The email center further provides for the user's ability to configure when and how often to receive an email from a given sender." 4:22-24
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The notification screen 201 provides up to date information for each of the sites listed in the screen 201. In one instance, the listed sites are previously selected by the user. The sites are listed if a change in status of the user's account at the sites is detected by the change notification software." 2:45-49. "The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when requested by the user." 2:57-60; *see also*, Figs. 2 & 6. "By selecting a check box associated with a particular web site, a user may delete the e-mail address used by that particular website to communicate with the user so that the user no longer receives email messages from the web site. For example, …." 3:66 to 4:8. "...the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated..." 4:9-12 "The email center further provides for the user's ability to configure when and how often to receive an email from a given sender." 4:22-24 "1. A method performed by a processing system, comprising: detecting one or more online events in response to one or more commands from a user of a plurality of network sites; … the presentation

	information being presented in a message window while the user is accessing the network utilizing a browser application." 4:53-67; *see also*, claim 12. "5. A method according to claim 1, wherein the detecting comprises monitoring user activity at one or more network sites; and responding to a transaction user activity by generating and forwarding for accumulation a corresponding transaction notification." 5:11-18.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"A user receives notification of changes and status of multiple online accounts while visiting web site 200." 2:25-27 "The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when requested by the user." 2:57-60 "...the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated..." 4:9-12 "3. The method as recited in claim 2, further comprising forwarding via a network the e-mail change or status information to an email address pre-selected by the user." 5:5-8. "7. The method as recited in claim 1, wherein the presenting comprises causing an alert corresponding to a notification to be sent to a user device of a user." 5:20-22 "11. The method as recited in claim 1, wherein the presentation information includes at least one link for accessing at least a portion of the event information via a network." 5:31-33.
e) causing said recommender system to interact with the subscriber and provide a playable media	"If the user desires further information regarding the status of their account at a particular web site, the user may. . . follow a hyperlink to the site, if provided in the

title recommendation in response to user input provided within a response to said electronic notification;	notification screen." 2:63-67.
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	"The email center further provides for the user's ability to configure when and how often to receive an email from a given sender." 4:22-24
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	"If the user desires further information regarding the status of their account at a particular web site, the use may. . . follow a hyperlink to the site, if provided in the notification screen." 2:63-67. "11. The method as recited in claim 1, wherein the presentation information includes at least one link for accessing at least a portion of the event information via a network." 5:31-33.

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Methods and apparatus …provide for accessing web sites on which the user has an account and providing notification of changes at the site." 1:47-50 "The web sites provide such diverse services as online stock brokerage accounts 102, retail accounts 103, travel services 104, online auctions 105, online magazines and newspapers 106, and the like" 1:24-26 "A user receives notification of changes and status of multiple online accounts while visiting web site 200." 2:25-27
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The notification screen 201 provides up to date information for each of the sites listed in the screen 201. In one instance, the listed sites are previously selected by the user. The sites are listed if a change in status of the user's account at the sites is detected by the change notification software." 2:45-49. "The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when requested by the user." 2:57-60; *see also*, Figs. 2 & 6. "By selecting a check box associated with a particular web site, a user may delete the e-mail address used by that particular website to communicate with the user so that the user no longer receives email messages from the web site. For example, …." 3:66 to 4:8. "...the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated..." 4:9-12 "The email center further provides for the user's ability to configure when and how often to receive an email from a given sender." 4:22-24
b) monitoring the subscriber rental queue with a	"The notification screen 201 provides up to date

computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	information for each of the sites listed in the screen 201. In one instance, the listed sites are previously selected by the user. The sites are listed if a change in status of the user's account at the sites is detected by the change notification software." 2:45-49. "The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when requested by the user." 2:57-60; *see also*, Figs. 2 & 6. "By selecting a check box associated with a particular web site, a user may delete the e-mail address used by that particular website to communicate with the user so that the user no longer receives email messages from the web site. For example, …." 3:66-4:8. "...the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated..." 4:9-12 "The email center further provides for the user's ability to configure when and how often to receive an email from a given sender." 4:22-24 "1. A method performed by a processing system, comprising: detecting one or more online events in response to one or more commands from a user of a plurality of network sites; … the presentation information being presented in a message window while the user is accessing the network utilizing a browser application." 4:53-67; *see also*, claim 12. "5. A method according to claim 1, wherein the detecting comprises monitoring user activity at one or more network sites; and responding to a transaction user activity by generating and forwarding for accumulation a corresponding transaction notification." 5:11-18.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"A user receives notification of changes and status of multiple online accounts while visiting web site 200." 2:25-27 "The change notification software may be configured so that it periodically displays screen 201, or displays the screen when the user visits a particular web site, or displays the screen when

	requested by the user." 2:57-60 "...the user may configure an actual email address used by the user to which to forward email received at the email control center via the email address generated..." 4:9-12 "3. The method as recited in claim 2, further comprising forwarding via a network the e-mail change or status information to an email address pre-selected by the user." 5:5-8. "7. The method as recited in claim 1, wherein the presenting comprises causing an alert corresponding to a notification to be sent to a user device of a user." 5:20-22 "11. The method as recited in claim 1, wherein the presentation information includes at least one link for accessing at least a portion of the event information via a network." 5:31-33.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"If the user desires further information regarding the status of their account at a particular web site, the user may. . . follow a hyperlink to the site, if provided in the notification screen." 2:63-67.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	"If the user desires further information regarding the status of their account at a particular web site, the use may. . . follow a hyperlink to the site, if provided in the notification screen." 2:63-67. "11. The method as recited in claim 1, wherein the presentation information includes at least one link for accessing at least a portion of the event information via a network." 5:31-33.

E. U.S. Patent 6,591,094 B1 (Bentley)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Bentley, granted July 8, 2003 based on an application filed on April 11, 2000, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "In on embodiment of the invention, a user notification system is provided for automatically providing information to a user regarding a user item." 3:31-33 "The notification interface 117 provides for programmable interaction with notification devices such as electronic mail, facsimile, pager and standard telephone devices. The notification devices also include connections to public data networks, such as the Internet. The NOC 102 uses the notification devices to notify users upon detection of specific conditions of user items." 5:5-11 "The communication server 606 is coupled to an email server 622 so that the communication server 606 can notify users of detected conditions using an email process 624 or a pager server 626." 12:18-21 "The detector 104 comprises the communication module 208, the control module 206, the detection

	module 204 and the local interface module 202. Also shown in FIG. 4 is a user item 402 which in FIG. 4 is a vehicle but could also be a home, office space or other user item." 8:62-67
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"By using the I/O devices, the user can manually input information to control the operation of the detector 104, such as enabling or disabling monitoring functions." 5:60-64 "The control module 206 uses parameters received from the communications module 208 or the local interface module 202, to perform various functions, such as configuring the detector 104." 6:15-18 "Based on instructions received from the processor 212, the notification I/F module 214 uses the notification devices to automatically notify the users of selected conditions regarding user items." 7:22-25 "By using the interactive devices, the user can control operation of the automated system 100, update contact information, change the status of detector modules, change the operating conditions of the user items being monitored or receive status information about specific user items. Interaction between the user and the automated system 100 via the user I/P module 216 is completely automated so that no human operator or customer service personnel is required. The interactive devices allow the user to remotely control selected functions of the automated system 100 and the user item, such as remotely disabling an audible alarm or to remotely lock the vehicle door locks. A more detailed description of the associated web pages is provided in a later section and with reference to FIGS. 9A-9E." 7:33-47; *see also*, Figs. 9A-9E and description. "At block 504 a user registration process occurs wherein information about the user and the user items is input into the database 114 of the NOC 102. The information comprises detector parameters regarding the type of detectors used and how they are coupled to the user item, user parameters regarding the user items, and user contact information." 10:47-54 "At block 506, the user notification system 100 monitors the user items for one or more conditions as specified in the registration process." 10:57-59

b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "By using the I/O devices, the user can manually input information to control the operation of the detector 104, such as enabling or disabling monitoring functions." 5:60-64 "The control module 206 uses parameters received from the communications module 208 or the local interface module 202, to perform various functions, such as configuring the detector 104." 6:15-18 "The detection module 204 monitors selected parameters of the user item 402." 9:1-2 "The method begins at block 502 wherein one or more detector modules are coupled to the user items to be monitored. The items to be monitored may be a user's vehicle, home, office or even smaller items such as a home computer or residential safe." 10:42-46 "At block 506, the user notification system 100 monitors the user items for one or more conditions as specified in the registration process." 10:57-59 "At block 518, the automatic response is determined. The automatic response may be something as simple as the NOC 102 logging that the condition has occurred or may entail the NOC 102 direction the detector 104 to take some other action, such as reporting to the NCO another condition, like a current position of the user item. The automatic response may also comprise the NOC 102 commanding the detector 104 to take affirmative action, such as disabling the user item from further operation or activating an alarm indicator." 11:20-31
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "The notification interface 117 provides for programmable interaction with notification devices such as electronic mail, facsimile, pager and standard telephone devices. The notification devices also include connections to public data

	networks, such as the Internet. The NOC 102 uses the notification devices to notify users upon detection of specific conditions of user items." 5:5-11 "When the processor 112 detects a specific condition about the user item, such as an alarm condition, the processor 112 sends instructions to the notification IF module 214." 8:1-5 "The detector 104 comprises the communication module 208, the control module 206, the detection module 204 and the local interface module 202. Also shown in FIG. 4 is a user item 402 which in FIG. 4 is a vehicle but could also be a home, office space or other user item." 8:62-67
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "The notification interface 117 provides for programmable interaction with notification devices such as electronic mail, facsimile, pager and standard telephone devices. The notification devices also include connections to public data networks, such as the Internet. The NOC 102 uses the notification devices to notify users upon detection of specific conditions of user items." 5:5-11 "The communication server 606 is coupled to an email server 622 so that the communication server 606 can notify users of detected conditions using an email process 624 or a pager server 626." 12:18-21 "Another action that may be taken by the notification system 100 is response three. R3 results in an automatic user notification in response to the detected condition. At block 520, the automatic user notification is performed." 11:35-38
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"After obtaining the status of the user item the user may provide control instructions to the NOC 102 as to how to handle the existing condition. For example, if the user item is a vehicle that has been placed in operation without the user's consent, the user may instruct the NCO 102 to track the vehicle." 8:31-36

	"The user may also update information about the user item and/or the contact information via the interactive processor 318. When user contact or user item information is changed, the interactive processor 318 communicates the new information to the subscriber database 114 via the processor 112. Thus the user may interact with the NOC 102 via an easy and convenient interface to provide control instructions, receive status information or change user parameters or contact information. Additionally, the user may contact the interactive processor 318 via a computer 320 connected to a public information network such as the Internet." 8:39-49 "The local interface module 202 provides the user a way to locally interact with the detector 104, so that control of the user item and display of status 35 information can be performed. Additionally, the local interface module 202 allows the user to interact with the NOC 102 by, for example, locally entering user item 402 parameters and transmitting the parameters via the control module 206 and communication modules 208 to the NOC 102." 10:32-39
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"After obtaining the status of the user item the user may provide control instructions to the NOC 102 as to how to handle the existing condition. For example, if the user item is a vehicle that has been placed in operation without the user's consent, the user may instruct the NCO 102 to track the vehicle." 8:31-36 "The user may also update information about the user item and/or the contact information via the interactive processor 318. When user contact or user item information is changed, the interactive processor 318 communicates the new information to the subscriber database 114 via the processor 112. Thus the user may interact with the NOC 102 via an easy and convenient interface to provide control instructions, receive status information or change user parameters or contact information. Additionally, the user may contact the interactive processor 318 via a computer 320 connected to a public information network such as the Internet." 8:39-49

Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "In one embodiment of the invention, a user

	notification system is provided for automatically providing information to a user regarding a user item." 3:31-33 "The notification interface 117 provides for programmable interaction with notification devices such as electronic mail, facsimile, pager and standard telephone devices. The notification devices also include connections to public data networks, such as the Internet. The NOC 102 uses the notification devices to notify users upon detection of specific conditions of user items." 5:5-11 "The communication server 606 is coupled to an email server 622 so that the communication server 606 can notify users of detected conditions using an email process 624 or a pager server 626." 12:18-21 "The detector 104 comprises the communication module 208, the control module 206, the detection module 204 and the local interface module 202. Also shown in FIG. 4 is a user item 402 which in FIG. 4 is a vehicle but could also be a home, office space or other user item." 8:62-67
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"By using the I/O devices, the user can manually input information to control the operation of the detector 104, such as enabling or disabling monitoring functions." 5:60-64 "The control module 206 uses parameters received from the communications module 208 or the local interface module 202, to perform various functions, such as configuring the detector 104." 6:15-18 "Based on instructions received from the processor 212, the notification I/F module 214 uses the notification devices to automatically notify the users of selected conditions regarding user items." 7:22-25 "By using the interactive devices, the user can control operation of the automated system 100, update contact information, change the status of detector modules, change the operating conditions of the user items being monitored or receive status information about specific user items. Interaction between the user and the automated system 100 via the user I/P module 216 is completely automated so that no human operator or customer service personnel is required. The interactive devices allow

	the user to remotely control selected functions of the automated system 100 and the user item, such as remotely disabling an audible alarm or to remotely lock the vehicle door locks. A more detailed description of the associated web pages is provided in a later section and with reference to FIGS. 9A-9E." 7:33-47; *see also*, Figs. 9A-9E and description. "At block 504 a user registration process occurs wherein information about the user and the user items is input into the database 114 of the NOC 102. The information comprises detector parameters regarding the type of detectors used and how they are coupled to the user item, user parameters regarding the user items, and user contact information." 10:47-54 "At block 506, the user notification system 100 monitors the user items for one or more conditions as specified in the registration process." 10:57-59
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"By using the I/O devices, the user can manually input information to control the operation of the detector 104, such as enabling or disabling monitoring functions." 5:60-64 "The control module 206 uses parameters received from the communications module 208 or the local interface module 202, to perform various functions, such as configuring the detector 104." 6:15-18 "The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "The detection module 204 monitors selected parameters of the user item 402." 9:1-2 "The method begins at block 502 wherein one or more detector modules are coupled to the user items to be monitored. The items to be monitored may be a user's vehicle, home, office or even smaller items such as a home computer or residential safe." 10:42-46 "At block 506, the user notification system 100 monitors the user items for one or more conditions as specified in the registration process." 10:57-59 "At block 518, the automatic response is

	determined. The automatic response may be something as simple as the NOC 102 logging that the condition has occurred or may entail the NOC 102 direction the detector 104 to take some other action, such as reporting to the NCO another condition, like a current position of the user item. The automatic response may also comprise the NOC 102 commanding the detector 104 to take affirmative action, such as disabling the user item from further operation or activating an alarm indicator." 11:20-31
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The present invention provides an automated user notification system for monitoring user items and notifying a user when selected conditions occur." 3:16-18 "The notification interface 117 provides for programmable interaction with notification devices such as electronic mail, facsimile, pager and standard telephone devices. The notification devices also include connections to public data networks, such as the Internet. The NOC 102 uses the notification devices to notify users upon detection of specific conditions of user items." 5:5-11 "The communication server 606 is coupled to an email server 622 so that the communication server 606 can notify users of detected conditions using an email process 624 or a pager server 626." 12:18-21 "Another action that may be taken by the notification system 100 is response three. R3 results in an automatic user notification in response to the detected condition. At block 520, the automatic user notification is performed." 11:35-38
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"Once the user has been contacted by the notification I/F module 214 several courses of action are possible. The user may contact the NOC 102 by telephone 316 wherein contact mis made via the user I/F module 216." 8:11-15 "For example, the user may call the NOC 102 be telephone to interact with the user I/F module to enable monitoring of the user's vehicle." 8:25-27 "After obtaining the status of the user item the user may provide control instructions to the NOC 102 as to how to handle the existing condition. For example, if the user item is a vehicle that has been placed in operation without the user's consent, the

	user may instruct the NCO 102 to track the vehicle." 8:31-36
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"After obtaining the status of the user item the user may provide control instructions to the NOC 102 as to how to handle the existing condition. For example, if the user item is a vehicle that has been placed in operation without the user's consent, the user may instruct the NCO 102 to track the vehicle." 8:31-36 "he user may also update information about the user item and/or the contact information via the interactive processor 318. When user contact or user item information is changed, the interactive processor 318 communicates the new information to the subscriber database 114 via the processor 112. Thus the user may interact with the NOC 102 via an easy and convenient interface to provide control instructions, receive status information or change user parameters or contact information. Additionally, the user may contact the interactive processor 318 via a computer 320 connected to a public information network such as the Internet." 8:39-49 "The local interface module 202 provides the user a way to locally interact with the detector 104, so that control of the user item and display of status 35 information can be performed. Additionally, the local interface module 202 allows the user to interact with the NOC 102 by, for example, locally entering user item 402 parameters and transmitting the parameters via the control module 206 and communication modules 208 to the NOC 102." 10:32-39
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

F. US Patent 4,766,542 (Pilarczyk)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Pilarczyk, granted on August 23, 1988, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. The hardware and software automatically telephones each customer whose prescription needs refilling. The contact is made with a computer drive voice synthesizer which delivers a personalized message identifying the customer, the drug in question and the prescription number. 1:52-59 The system 10 further includes an automatic telephone dialer 16, which is controlled by the computer 12 to dial the telephone numbers of respective patients when the computer detects information, for example that stored in the memory 14, indicating that a prescription should be refilled. 3:51-56
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	The schedule file lists all prescriptions issued by the pharmacy according to the date when the customer (patient) should require more medication. The schedule file is updated regularly based on prescription refill activity at the pharmacy. The system takes as input customer identification information, the drug prescribed, the dose prescribed, and the number of doses given to the customer. From his information it calculates the day the customer's supply of the prescribed drug should run out. This date is the date entered in the

	schedule file. 1:62-2:5 After those customers whom the pharmacist wishes to contact have been flagged on the schedule file, the pharmacist selects that group of customers from the schedule file whose prescriptions have certain refill dates. For example, the pharmacist may choose to contact all customers whose prescriptions will expire during the next two weeks. . . After this choice has been made, the automatic customer contacting system takes over. 2:13-25. The portion 40 includes a block 42 representing the input or receipt of data concerning patient medication profile information and a block 44 at which there is an initial creation of prescription drug refill notification records. 5:23-27 The refill notification records from block 44 are rearranged into an initial schedule file at block 46. This schedule file contains all prescriptions the pharmacy can expect to refill, and the information necessary to place a reminder phone call, i.e., customer name, phone number, prescription number and medication name. 5:37-42 This message is repeated for a prescribed period of time or until receipt of a tone representing thee pressing of the digit 2 on the telephone keypad of a Touch Tone telephone. 7:51-54 If a number 2 pressed, a response received signal is detected at block 76, then following line 100 to block 102 the activity file is updated at block 94 to confirm that a call has in fact been completed. 8:7-10 If not, then line 78 is followed to block 80 for updating an activity record, described further below, and to schedule the record for a re-try, i.e., calling again, at a future time. 7:61-64
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. The hardware and software automatically telephones each customer whose prescription needs refilling. 1:52-56 The schedule file lists all prescriptions issued by the pharmacy according to the date when the customer (patient) should require more medication. The schedule file is updated regularly based on

	prescription refill activity at the pharmacy. The system takes as input customer identification information, the drug prescribed, the dose prescribed, and the number of doses given to the customer. From his information it calculates the day the customer's supply of the prescribed drug should run out. This date is the date entered in the schedule file. 1:62-2:5 After those customers whom the pharmacist wishes to contact have been flagged on the schedule file, the pharmacist selects that group of customers from the schedule file whose prescriptions have certain refill dates. For example, the pharmacist may choose to contact all customers whose prescriptions will expire during the next two weeks. . . After this choice has been made, the automatic customer contacting system takes over. 2:13-25. The device automatically dials each customer's designated phone number, identifies the person whose prescription needs refilling, the prescription to be filled and its refill date. 2:24-27 The method includes storing in a memory device information concerning patients, prescription drugs, prescription refill requirements, and telephone numbers of respective parties, using a computer to review the information stored in the memory device and detecting a prescription that requires refilling, and using automatic telephone dialing equipment to automatically dial the telephone number of a patient whose detected prescription requires refilling for communicating information that the prescription requires refilling. 2:67-3:9 At block 50 an ongoing review or prescription activity is carried out prior to sending the information to the schedule file. 6:15-18. Block 50 also calculates the refill due date based on the daily prescription activity. Specifically from the number of refills prescribed, the date of the last refill dispensed, the days supply dispensed at that time, the number of refills remaining and an internal calendar, a refill due date is calculated. 6:46-52 The software then refers, at block 104 to the schedule file for the refill reminder information. This information includes the patient's name, the prescription number, and the name of the drug. The

	automatic dialer voice synthesizer device then gives a refill message which may be along the following lines: This is the MEDMINDER service from Jones Drug on Center Street. The prescription for Mr. Smith for Tagamet, 100 milligrams is due for refill if it has been taken as prescribed. If you wish to refill prescription number 123456 please contact the pharmacy at 123-4567. 9:45-57
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. 1:52-54 The system takes as input customer identification information, the drugs prescribed, the dose prescribed, and the number of doses given to the customer. From this information it calculates the day the customer's supply of the prescribed drug should run out. This date is the date entered in the schedule file. 1:67-2:5 Block 50 also calculates the refill due date based on the daily prescription activity. Specifically from the number of refills prescribed, the date of the last refill dispensed, the days supply dispensed at that time, the number of refills remaining and an internal calendar, a refill due date is calculated. 6:46-52 The software then refers, at block 104 to the schedule file for the refill reminder information. This information includes the patient's name, the prescription number, and the name of the drug. The automatic dialer voice synthesizer device then gives a refill message which may be along the following lines: This is the MEDMINDER service from Jones Drug on Center Street. The prescription for Mr. Smith for Tagamet, 100 milligrams is due for refill if it has been taken as prescribed. If you wish to refill prescription number 123456 please contact the pharmacy at 123-4567. 9:45-57
c) providing a recommender system configured to provide recommendations for playable media titles;	The software then refers, at block 104 to the schedule file for the refill reminder information. This information includes the patient's name, the prescription number, and the name of the drug. The automatic dialer voice synthesizer device then gives a refill message which may be along the following lines: This is the MEDMINDER service from Jones Drug on Center Street. The prescription for Mr. Smith for Tagamet, 100 milligrams is due for refill if it has been taken as prescribed. If you wish to refill prescription number 123456 please contact the pharmacy at 123-4567. 9:45-57

d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. The hardware and software automatically telephones each customer whose prescription needs refilling. The contact is made with a computer drive voice synthesizer which delivers a personalized message identifying the customer, the drug in question and the prescription number. 1:52-59 The system 10 further includes an automatic telephone dialer 16, which is controlled by the computer 12 to dial the telephone numbers of respective patients when the computer detects information, for example that stored in the memory 14, indicating that a prescription should be refilled. 3:51-56 The software then refers, at block 104 to the schedule file for the refill reminder information. This information includes the patient's name, the prescription number, and the name of the drug. The automatic dialer voice synthesizer device then gives a refill message which may be along the following lines: This is the MEDMINDER service from Jones Drug on Center Street. The prescription for Mr. Smith for Tagamet, 100 milligrams is due for refill if it has been taken as prescribed. If you wish to refill prescription number 123456 please contact the pharmacy at 123-4567. 9:45-57 The Refill Dispensing Report includes the identify of each customer whose prescription required refilling during the selected period and the prescription number. The report also includes the drug prescribed, the number of dosers per refill, the date the refill was due to be refilled,…early or late. 10:20-25
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	In the block 110, additional questions could be asked. For example, the customer could be told that if he wanted a prescription refilled he should indicate by pressing some particular number on his Touch Tone phone, or if he wanted the pharmacist to call him he should push another number. 11:15-20

Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	This process is repeated by the automatic telephoning equipment until each person on the schedule file has either been reached, or the system has made a number, e.g., at least four, unsuccessful attempts to contact the customer. 2:29-34.
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. The hardware and software automatically telephones each customer whose

	prescription needs refilling. The contact is made with a computer drive voice synthesizer which delivers a personalized message identifying the customer, the drug in question and the prescription number. 1:52-59 The system 10 further includes an automatic telephone dialer 16, which is controlled by the computer 12 to dial the telephone numbers of respective patients when the computer detects information, for example that stored in the memory 14, indicating that a prescription should be refilled. 3:51-56
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	The schedule file lists all prescriptions issued by the pharmacy according to the date when the customer (patient) should require more medication. The schedule file is updated regularly based on prescription refill activity at the pharmacy. The system takes as input customer identification information, the drug prescribed, the dose prescribed, and the number of doses given to the customer. From his information it calculates the day the customer's supply of the prescribed drug should run out. This date is the date entered in the schedule file. 1:62-2:5 After those customers whom the pharmacist wishes to contact have been flagged on the schedule file, the pharmacist selects that group of customers from the schedule file whose prescriptions have certain refill dates. For example, the pharmacist may choose to contact all customers whose prescriptions will expire during the next two weeks. . . After this choice has been made, the automatic customer contacting system takes over. 2:13-25. The portion 40 includes a block 42 representing the input or receipt of data concerning patient medication profile information and a block 44 at which there is an initial creation of prescription drug refill notification records. 5:23-27 The refill notification records from block 44 are rearranged into an initial schedule file at block 46. This schedule file contains all prescriptions the pharmacy can expect to refill, and the information necessary to place a reminder phone call, i.e., customer name, phone number, prescription number and medication name. 5:37-42 This message is repeated for a prescribed period of

	time or until receipt of a tone representing thee pressing of the digit 2 on the telephone keypad of a Touch Tone telephone. 7:51-54 If a number 2 pressed, a response received signal is detected at block 76, then following line 100 to block 102 the activity file is updated at block 94 to confirm that a call has in fact been completed. 8:7-10 If not, then line 78 is followed to block 80 for updating an activity record, described further below, and to schedule the record for a re-try, i.e., calling again, at a future time. 7:61-64
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. The hardware and software automatically telephones each customer whose prescription needs refilling. 1:52-56 The schedule file lists all prescriptions issued by the pharmacy according to the date when the customer (patient) should require more medication. The schedule file is updated regularly based on prescription refill activity at the pharmacy. The system takes as input customer identification information, the drug prescribed, the dose prescribed, and the number of doses given to the customer. From his information it calculates the day the customer's supply of the prescribed drug should run out. This date is the date entered in the schedule file. 1:62-2:5 After those customers whom the pharmacist wishes to contact have been flagged on the schedule file, the pharmacist selects that group of customers from the schedule file whose prescriptions have certain refill dates. For example, the pharmacist may choose to contact all customers whose prescriptions will expire during the next two weeks. . . After this choice has been made, the automatic customer contacting system takes over. 2:13-25. The device automatically dials each customer's designated phone number, identifies the person whose prescription needs refilling, the prescription to be filled and its refill date. 2:24-27 The method includes storing in a memory device information concerning patients, prescription drugs,

	prescription refill requirements, and telephone numbers of respective parties, using a computer to review the information stored in the memory device and detecting a prescription that requires refilling, and using automatic telephone dialing equipment to automatically dial the telephone number of a patient whose detected prescription requires refilling for communicating information that the prescription requires refilling. 2:67-3:9 At block 50 an ongoing review or prescription activity is carried out prior to sending the information to the schedule file. 6:15-18. Block 50 also calculates the refill due date based on the daily prescription activity. Specifically from the number of refills prescribed, the date of the last refill dispensed, the days supply dispensed at that time, the number of refills remaining and an internal calendar, a refill due date is calculated. 6:46-52 The software then refers, at block 104 to the schedule file for the refill reminder information. This information includes the patient's name, the prescription number, and the name of the drug. The automatic dialer voice synthesizer device then gives a refill message which may be along the following lines: This is the MEDMINDER service from Jones Drug on Center Street. The prescription for Mr. Smith for Tagamet, 100 milligrams is due for refill if it has been taken as prescribed. If you wish to refill prescription number 123456 please contact the pharmacy at 123-4567. 9:45-57
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The present invention provides a computerized system for contacting patients whose prescriptions are due to be refilled. The hardware and software automatically telephones each customer whose prescription needs refilling. The contact is made with a computer drive voice synthesizer which delivers a personalized message identifying the customer, the drug in question and the prescription number. 1:52-59 The system 10 further includes an automatic telephone dialer 16, which is controlled by the computer 12 to dial the telephone numbers of respective patients when the computer detects information, for example that stored in the memory 14, indicating that a prescription should be refilled. 3:51-56

	The software then refers, at block 104 to the schedule file for the refill reminder information. This information includes the patient's name, the prescription number, and the name of the drug. The automatic dialer voice synthesizer device then gives a refill message which may be along the following lines: This is the MEDMINDER service from Jones Drug on Center Street. The prescription for Mr. Smith for Tagamet, 100 milligrams is due for refill if it has been taken as prescribed. If you wish to refill prescription number 123456 please contact the pharmacy at 123-4567. 9:45-57 The Refill Dispensing Report includes the identify of each customer whose prescription required refilling during the selected period and the prescription number. The report also includes the drug prescribed, the number of doses per refill, the date the refill was due to be refilled,…early or late. 10:20-25
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	In the block 110, additional questions could be asked. For example, the customer could be told that if he wanted a prescription refilled he should indicate by pressing some particular number on his Touch Tone phone, or if he wanted the pharmacist to call him he should push another number. 11:15-20
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions. "	In the block 110, additional questions could be asked. For example, the customer could be told that if he wanted a prescription refilled he should indicate by pressing some particular number on his Touch Tone phone, or if he wanted the pharmacist to call him he should push another number 11:15-19
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

G. Access Self Study Texas State Library Division f/t Blind and Handicapped Volume 7 Functional Requirements

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The publication "Access Self Study Texas State Library Division f/t Blind and Handicapped, Volume 7, Functional Requirements" (December 15, 1987) describes a system that was in public use on or before the priority date of the '243 patent. (*See Exhs.* G, G1, G2.) As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"New patrons should be given preference in the select process by placing them at the top of the request queue and the automatic queue for each type of book selection they are registered for." "Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant

	the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services) "Patrons can request books from the collection and have staff add these selections to a request file. TBP asks patrons to specify a circulation quota for each active medium; a cassette request quota, for example, controls the number of cassette-format books checked out to the patron at any given time. There is no limit on the number of books a patron can have on loan, but books must be returned on time." Exh. G2.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Each patron who is in the request queue should have a book selection attempted for them. The system should look at the request record, determine the next title to be selected, compare it with the per copy file to determine availability, and assign the title if copies are available. The system should run down each patron's record selecting titles to be checked until the request quota for the media has been filled. If the full quota cannot be met, then the system will check the request service type and' act accordingly . . ." "Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken

replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services) "Automatic Selections TBP can keep books circulating continuously based on genre categories selected by patrons. If a patron likes to read Westerns, his or her account can be tailored to send a Librarian's Guide to the Talking Book Program- Texas State Library certain number of Westerns at a time, and each time a book is returned, the automatic selection program will randomly select another Western for the patron." Exh. G2.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty . . . ." [BB00008470]
c) providing a recommender system configured to provide recommendations for playable media titles;	"Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470] "Automatic Selections TBP can keep books circulating continuously based on genre categories selected by patrons. If a patron likes to read Westerns, his or her account can be tailored to send a Librarian's Guide to the Talking Book Program- Texas State Library certain number of Westerns at a time, and each time a book is

	returned, the automatic selection program will randomly select another Western for the patron." Exh. G2.
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are:

	"Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services) "Automatic Selections TBP can keep books circulating continuously based on genre categories selected by patrons. If a patron likes to read Westerns, his or her account can be tailored to send a Librarian's Guide to the Talking Book Program- Texas State Library certain number of Westerns at a time, and each time a book is returned, the automatic selection program will randomly select another Western for the patron." Exh. G2.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)

Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being

	notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services) "Patrons can request books from the collection and have staff add these selections to a request file. TBP asks patrons to specify a circulation quota for each active medium; a cassette request quota, for example, controls the number of cassette-format books checked out to the patron at any given time. There is no limit on the number of books a patron can have on loan, but books must be returned on time." Exh. G2.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Each patron who is in the request queue should have a book selection attempted for them. The system should look at the request record, determine the next title to be selected, compare it with the per copy file to determine availability, and assign the title if copies are available. The system should run down each patron's record selecting titles to be checked until the request quota for the media has been filled. If the full quota cannot be met, then the system will check the request service type and' act accordingly . . . " "Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place

	them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Each patron who has a request record also has a service type: a flag which assists the system and staff in determining what actions should be taken when a patron's request file becomes empty: "The type of service are: "Call-this patron wants to be notified that their request file has been emptied and needs to give DBPH more requests. Ignore-this patron does not want to bother being notified that the request record is empty, and does not want any action taken. Raise-this service types implies the patron also has an automatic service and the system should fill out the total quota with automatic selects. Select-the patron has given the Reader Consultant the authority to select titles for the patron and place them in the request file." [BB00008470]; *see also*, Exhs. G1 & G2 (describing library services)
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting	

and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

H. Automated Circulation Systems in Libraries Serving the Blind and Physically Handicapped: A Reference Guide for Planning (Wanger)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Wanger (May 15, 1981) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	The Request File contains book requests made by or for each borrower. Each request is identified by a book ID number, date of request, and an indicator of the source of the request (borrower or Library) . . . ." [88] "Another consideration in this area is the need for the system to provide feedback to the library staff, interactively at the terminal or in the generation of a listing, to identify those borrowers who were not assigned the expected number of items. In some systems, this problem will automatically trigger the run of automatic selection; in others, a report is generated for staff review and followup action." [193] "The system has pre-defined reports that cover particular sets of data and particular formats. The system user requests a report by specifying its name or code. " [243] "Although data entered via punch cards and circulation transactions are processed in batch mode, the system allows staff members to retrieve and display on CRT terminals borrower, book,

	request, has-now, has-had, and subject data." [A-38]
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Another consideration in this area is the need for the system to provide feedback to the library staff, interactively at the terminal or in the generation of a listing, to identify those borrowers who were not assigned the expected number of items. In some systems, this problem will automatically trigger the run of automatic selection; in others, a report is generated for staff review and followup action." [193] "11.2 The system must permit the library to obtain organized (i.e., sorted and/or formatted) management and reference listings (offline, on a line printer or printer terminal) of data that are stored in one or more files." [234] "Report generation capabilities can be contrasted in the description of several approaches provided below. The system has pre-defined reports that cover particular sets of data . . . . The system has pre-defined report formats, but the user can specify the data to be included . . . . The system is flexible and permits the system user to specify both the content and the format of the desired report." [234]
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"11.2 The system must permit the library to obtain organized (i.e., sorted and/or formatted) management and reference listings (offline, on a line printer or printer terminal) of data that are stored in one or more files." [234] "Report generation capabilities can be contrasted in the description of several approaches provided below. The system has pre-defined reports that cover particular sets of data . . . . The system has pre-defined report formats, but the user can specify the data to be included . . . . The system is flexible and permits the system user to specify both the content and the format of the desired report." [234] "The offline processing of these daily transaction records involves the following processing functions: . . . "4. The Patron Dataset is checked daily for such action items as patrons due for service, termination

	of temporary suspensions, and patrons with no unfilled requests." [80] "The Request File contains book requests made by or for each borrower. Each request is identified by a book ID number, date of request, and an indicator of the source of the request (borrower or Library)." [88] "Unless automatic selection is triggered as part of automatic check-out, it is necessary to devise some means for maintaining requests (in the Request file) at certain minimum levels, to help ensure that the desired quantity of books for which copies are available can be identified at check-out...In a few systems...a field is provided to indicate the minimum number of books that are needed to maintain that borrower's expected service (quantity) levels." [122, see also 185] "Three types of requests can be distinguished on the basis of their origin: 1. Borrower-generated requests:items selected by a borrower 2. Staff-generated requests:items selected for a borrower by library staff 3.System-generated requests: items selected for a borrower by the system, automatically . . . ." [125, see also 185] "These two fields are used to identify borrowers who want to receive only the books that they request or those who will accept staff or system selections. In general, Yes/No flags indicate the presence of one or both of these conditions of service, although, in some systems, only one of the two conditions is accommodated." [123]
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"The DRA check-out program is called the Recharge Batch Stream and is run in batch mode, generally at night. . . . The set of Recharge routines are identified below. . . . "ISURSV: Assigns reserved books. ISUREQ: Processes each borrower, one at a time, and assigns books that have been requested. CREPRO: Creates a list of available books for which automatic selection is allowed. ISUPRO: Performs automatic selection for borrowers who did not receive the expected number of books from ISURSV and ISUREQ." [189]

	"The offline processing of these daily transaction records involves the following processing functions: . . . 4. The Patron Dataset is checked daily for such action items as patrons due for service, termination of temporary suspensions, and patrons with no unfilled requests." [80] 11/29/06-Final rejection: Examiner takes "official notice" that "it is well known to notify customers of the fact that an account is getting low and that the account balance needs to be modified. An example would be a financial account where customers can be notified of a low account balance so that the customer can take steps to ensure the balance is kept at a satisfactory level." [Page 5 of the Office Action]
c) providing a recommender system configured to provide recommendations for playable media titles;	"A unique aspect of service in libraries for blind and physically handicapped individuals is that circulation involves not only filling requests for titles that have been specified by borrowers (e.g., "Request -Only" borrowers), but also providing items that have been selected for borrowers, by a library staff member frequently referred to as a Reader Advisor or Selector." [62, see also 63-65] "As described earlier, book requests can originate from three sources: the borrower, library staff, or system." [128] "Three types of requests can be distinguished on the basis of their origin: 1. Borrower-generated requests:items selected by a borrower 2. Staff-generated requests:items selected for a borrower by library staff 3. System-generated requests: items selected for a borrower by the system, automatically . . . ." [125, see also 181] "The library's automated circulation system...performs all book circulation functions, including automatic selection, for disk, cassette, and large print materials . . . ." [A-37-38]
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Another consideration in this area is the need for the system to provide feedback to the library staff, interactively at the terminal or in the generation of a listing, to identify those borrowers who were not assigned the expected number of items. In some systems, this problem will automatically trigger the run of automatic selection; in others, a report is

	generated for staff review and followup action." [193] "Although data entered via punch cards and circulation transactions are processed in batch mode, the system allows staff members to retrieve and display on CRT terminals borrower, book, request, has-now, has-had, and subject data." [A-38]
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"Three types of requests can be distinguished on the basis of their origin: 1. Borrower-generated requests:items selected by a borrower 2. Staff-generated requests:items selected for a borrower by library staff 3. System-generated requests: items selected for a borrower by the system, automatically . . . ." [125, see also 181] "These two fields are used to identify borrowers who want to receive only the books that they request or those who will accept staff or system selections. In general, Yes/No flags indicate the presence of one or both of these conditions of service, although, in some systems, only one of the two conditions is accommodated." [123] .
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	

Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The Request File contains book requests made by or for each borrower. Each request is identified by a book ID number, date of request, and an indicator of the source of the request (borrower or Library)." [88] Another consideration in this area is the need for the "system to provide feedback to the library staff, interactively at the terminal or in the generation of a listing, to identify those borrowers who were not assigned the expected number of items. In some systems, this problem will automatically trigger the run of automatic selection; in others, a report is generated for staff review and followup action." [193] "The system has pre-defined reports that cover particular sets of data and particular formats. The system user requests a report by specifying its name or code." [243] "Although data entered via punch cards and

	circulation transactions are processed in batch mode, the system allows staff members to retrieve and display on CRT terminals borrower, book, request, has-now, has-had, and subject data." [A-38]
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Another consideration in this area is the need for the system to provide feedback to the library staff, interactively at the terminal or in the generation of a listing, to identify those borrowers who were not assigned the expected number of items. In some systems, this problem will automatically trigger the run of automatic selection; in others, a report is generated for staff review and followup action." [193] "11.2 The system must permit the library to obtain organized (i.e., sorted and/or formatted) management and reference listings (offline, on a line printer or printer terminal) of data that are stored in one or more files." [234] "Report generation capabilities can be contrasted in the description of several approaches provided below. The system has pre-defined reports that cover particular sets of data . . . . The system has pre-defined report formats, but the user can specify the data to be included . . . . The system is flexible and permits the system user to specify both the content and the format of the desired report." [234]
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"11.2 The system must permit the library to obtain organized (i.e., sorted and/or formatted) management and reference listings (offline, on a line printer or printer terminal) of data that are stored in one or more files." [234] "Report generation capabilities can be contrasted in the description of several approaches provided below. The system has pre-defined reports that cover particular sets of data . . . . The system has pre-defined report formats, but the user can specify the data to be included . . . . The system is flexible and permits the system user to specify both the content and the format of the desired report." [234] "The offline processing of these daily transaction records involves the following processing functions:

	. . . 4. The Patron Dataset is checked daily for such action items as patrons due for service, termination of temporary suspensions, and patrons with no unfilled requests." [80] "The Request File contains book requests made by or for each borrower. Each request is identified by a book ID number, date of request, and an indicator of the source of the request (borrower or Library)." [88] "Unless automatic selection is triggered as part of automatic check-out, it is necessary to devise some means for maintaining requests (in the Request file) at certain minimum levels, to help ensure that the desired quantity of books for which copies are available can be identified at check-out...In a few systems...a field is provided to indicate the minimum number of books that are needed to maintain that borrower's expected service (quantity) levels. " [122, see also 185] "Three types of requests can be distinguished on the basis of their origin: 1. Borrower-generated requests:items selected by a borrower 2. Staff-generated requests:items selected for a borrower by library staff 3.System-generated requests: items selected for a borrower by the system, automatically . . . ." [125, see also 185] "These two fields are used to identify borrowers who want to receive only the books that they request or those who will accept staff or system selections. In general, Yes/No flags indicate the presence of one or both of these conditions of service, although, in some systems, only one of the two conditions is accommodated." [123]
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Another consideration in this area is the need for the system to provide feedback to the library staff, interactively at the terminal or in the generation of a listing, to identify those borrowers who were not assigned the expected number of items. In some systems, this problem will automatically trigger the run of automatic selection; in others, a report is generated for staff review and followup action." [193] "Although data entered via punch cards and

	circulation transactions are processed in batch mode, the system allows staff members to retrieve and display on CRT terminals borrower, book, request, has-now, has-had, and subject data." [A-38]
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"A particularly critical issue in automatic selection is whether the selections made by the system are truly final or a staff member will "intervene" to review the items selected and make any needed revisions." [64]
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

I. U.S. Patent 6,513,017 (Howard)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Howard, granted Jan 28, 2003 based on an application filed on April 14, 1997, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The grocery management application operates to process the bar code data to identify a scanned grocery item, to maintain the grocery inventory, and to generate a replenishment list of grocery items based upon differences between current grocery inventory and defined full levels for the household. The defined full levels will be adjusted for seasonal changes based on the parameters set by the consumer." 1:51-65 "The grocery store or grocery clearing house can also promote new products based upon purchases indicated in a current replenishment list or past replenishment lists." 2:26-28 "Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to

	purchase the desired items." 5:66-6:2 "In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons. Then, in step 64, the current replenishment list is displayed and modifications are allowed. The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:53-61
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items." 5:66-6:2
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Each computer system 20 executes a grocery management application 24 that performs a number of functions to allow a user to manage groceries within respective household 10." 3:21-24 "Grocery management application 24 further allows a user to build replenishment lists 32 that list grocery items that the user needs to purchase." 4:9-11 "In step 50, a determination is made concerning shortages in the household based upon the current grocery inventory and the defined "full" levels which reflects adjustments for seasonal items based on parameters set by the consumer." 5:28-32
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Each computer system 20 executes a grocery management application 24 that performs a number of functions to allow a user to manage groceries within respective household 10." 3:21-24 "Grocery management application 24 further allows a user to build replenishment lists 32 that list grocery items that the user needs to purchase." 4:9-

	11 "In step 50, a determination is made concerning shortages in the household based upon the current grocery inventory and the defined "full" levels which reflects adjustments for seasonal items based on parameters set by the consumer." 5:28-32
c) providing a recommender system configured to provide recommendations for playable media titles;	"In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons." 5:53-57
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items." 5:66-6:2 "In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons. Then, in step 64, the current replenishment list is displayed and modifications are allowed. The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:53-61
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons." 5:53-57
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:59-61

	"In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is pritned, the user can then take that list to a grocery store to purchase the desired items. If the replenishment list is sent electronically to a grocery store or the grocery clearing house, the list is processed and items are prepared for pick-up or delivery as appropriate." 5:66-6:5
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The grocery management application operates to process the bar code data to identify a scanned grocery item, to maintain the grocery inventory, and to generate a replenishment list of grocery items based upon differences between current grocery inventory and defined full levels for the household. The defined full levels will be adjusted for seasonal changes based on the parameters set by the consumer." 1:51-65 "The grocery store or grocery clearing house can also promote new products based upon purchases indicated in a current replenishment list or past replenishment lists." 2:26-28 "Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items." 5:66-6:2 "In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons. Then, in step 64, the current replenishment list is displayed and modifications are allowed. The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:53-61
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20

	"In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items." 5:66-6:2 "In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons. Then, in step 64, the current replenishment list is displayed and modifications are allowed. The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:53-61
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Each computer system 20 executes a grocery management application 24 that performs a number of functions to allow a user to manage groceries within respective household 10." 3:21-24 "Grocery management application 24 further allows a user to build replenishment lists 32 that list grocery items that the user needs to purchase." 4:9-11 "In step 50, a determination is made concerning shortages in the household based upon the current grocery inventory and the defined 'full' levels which reflects adjustments for seasonal items based on parameters set by the consumer." 5:28-32 "Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20 "Each computer system 20 executes a grocery management application 24 that performs a number of functions to allow a user to manage groceries within respective household 10. 3:21-24 Grocery management application 24 further allows a user to build replenishment lists 32 that list grocery items that the user needs to purchase." 4:9-11 "In step 50, a determination is made concerning

	shortages in the household based upon the current grocery inventory and the defined "full" levels which reflects adjustments for seasonal items based on parameters set by the consumer." 5:28-32
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Once replenishment list 32 is generated, grocery management 24 can send that replenishment list 32 across communications network 12 to grocery stores 14 or to grocery clearing house 16. In response, grocery stores 14 and grocery clearing house 16 electronically receive and process replenishment list 32." 4:15-20 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items." 5:66-6:2 "In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons. Then, in step 64, the current replenishment list is displayed and modifications are allowed. The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:53-61
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"In step 62, the coupon list is analyzed to determine whether there are expiring coupons for items not currently on the replenishment list. If so, the corresponding grocery items are suggested to be added to the replenishment list based upon the expiring coupons. Then, in step 64, the current replenishment list is displayed and modifications are allowed. The user may modify the replenishment list to add the items suggested in step 62, add other items, or delete items as desired." 5:53-61 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items. If the replenishment list is sent electronically to a grocery store or the grocery clearing house, the list is processed and items are prepared for pick-up or delivery as appropriate." 5:66-6:5
further comprising said subscriber accepting	"The user may modify the replenishment list to add

and/or modifying said proposed alteration based on said directions.	the items suggested in step 62, add other items, or delete items as desired." 5:59-61 "In step 68, the replenishment list is then printed or sent electronically along with the list of matched coupons. If the replenishment list is printed, the user can then take that list to a grocery store to purchase the desired items. If the replenishment list is sent electronically to a grocery store or the grocery clearing house, the list is processed and items are prepared for pick-up or delivery as appropriate." 5:66-6:5
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

J. The New York State Library for the Blind and Visually Handicapped Automated Circulation System (Anderson)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Anderson (1978) describes a system that was in public use on or before the priority date of the '243 patent (*see also*. Exh. J1). As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The third record contains the vital control elements which regulate the desired service pattern. . . . The frequency may be ('request') (the reader will be sent only books specifically requested), ('return') (the reader is sent books to replace those returned), or ('calendar') (the reader will be sent books weekly, biweekly, or monthly). . . . The 'automatic generation quantity' determines how many books will be sent to a patron for each one returned to provide the supply desired. This is usually set at one new book for each one returned." Page 9 "Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "The basic strategy employed presently is to replace a returned book with a book of like media, providing equal choice among alpha prefixes. Thus, if a cassette book is returned by a reader, the system will attempt to choose a cassette book or recorded cassette." Page 15 "To process the patron's records of unfilled

	requests, the system goes to the first unfilled request record that matches the required media type." Page 15 "A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning…Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement "LOW UNFILLED REQ" informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1; *see also*, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter).
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning…Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement "LOW UNFILLED REQ" informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED-Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational

	only; additional unfilled requests should be entered to maintain service." Pg. 34
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The third record contains the vital control elements which regulate the desired service pattern. . . . The frequency may be ('request') (the reader will be sent only books specifically requested), ('return') (the reader is sent books to replace those returned), or ('calendar') (the reader will be sent books weekly, biweekly, or monthly). . . . The 'automatic generation quantity' determines how many books will be sent to a patron for each one returned to provide the supply desired. This is usually set at one new book for each one returned." Page 9 "The fourth record format, called ('reader preferences,') is a free-form field used to describe the reader's favorite kinds of books, or subjects and other notations and specific instructions. (See page 31 for specific layout) It is used by staff when making selections for the readers' unfilled request list. On the basis of these known preferences, it is the staff, not the computer, that makes book selections for readers." Page 9 "The fifth record type carries unfilled book requests, with one request per record." Pages 9-10 "Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning…Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement "LOW UNFILLED REQ" informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "A large segment of patrons rely entirely on the library staff to make book selections for them. This takes much time and effort and cuts down on other productive uses of staff time. The operation could

	be handled by machine if the books were coded." Page 21 "LOW UNFILLED-Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34 "UNFILLED REQ NOS[:] An attempt was made to select a book but all unfilled requests did not find copies available. Add to the unfilled requests." Page 35 "ZERO UNFILLED[:] No unfilled requests are present for the patron or institution on the file. Prepare a reading list and enter unfilled requests." Page 35 "TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1; *see also*, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter). The computer knows when someone has reserved or requested the book, and it will attempt to satisfy these first. If a book cannot be allocated to a borrower in either of those ways, there is another way to try. If the title's subject "profile" fits the interest categories of a borrower who is due for service (who permits us to choose for them), then the book will be charged out to and sent to this borrower. Exh. J1 (Winter 2002 Newsletter).
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16

	"A list of exceptional conditions detected during the previous evening's file processing is printed each morning . . . . Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement 'LOW UNFILLED REQ' informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED[:] Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34 "UNFILLED REQ NOS[:] An attempt was made to select a book but all unfilled requests did not find copies available. Add to the unfilled requests." Page 35 "ZERO UNFILLED[:] No unfilled requests are present for the patron or institution on the file. Prepare a reading list and enter unfilled requests." Page 35
c) providing a recommender system configured to provide recommendations for playable media titles;	"The fourth record format, called ('reader preferences,') is a free-form field used to describe the reader's favorite kinds of books, or subjects and other notations and specific instructions. (See page 31 for specific layout) It is used by staff when making selections for the readers' unfilled request list. On the basis of these known preferences, it is the staff, not the computer, that makes book selections for readers." Page 9 "A large segment of patrons rely entirely on the library staff to make book selections for them. This takes much time and effort and cuts down on other productive uses of staff time. The operation could be handled by machine if the books were coded." Page 21 "TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and

	incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1; *see also*, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter).
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning . . . . Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement 'LOW UNFILLED REQ' informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED-Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"The fourth record format, called ('reader preferences,') is a free-form field used to describe the reader's favorite kinds of books, or subjects and other notations and specific instructions. (See page 31 for specific layout) It is used by staff when making selections for the readers' unfilled request list. On the basis of these known preferences, it is the staff, not the computer, that makes book selections for readers." Page 9 "A large segment of patrons rely entirely on the library staff to make book selections for them. This takes much time and effort and cuts down on other productive uses of staff time. The operation could be handled by machine if the books were coded." Page 21

	"TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1; *see also*, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter).
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"The fourth record format, called ('reader preferences,') is a free-form field used to describe the reader's favorite kinds of books, or subjects and other notations and specific instructions. (See page 31 for specific layout) It is used by staff when making selections for the readers' unfilled request list. On the basis of these known preferences, it is the staff, not the computer, that makes book selections for readers." Page 9 "A large segment of patrons rely entirely on the library staff to make book selections for them. This takes much time and effort and cuts down on other productive uses of staff time. The operation could be handled by machine if the books were coded." Page 21 "TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1; *see also*, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter).
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10

	"A list of exceptional conditions detected during the previous evening's file processing is printed each morning . . . . Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement 'LOW UNFILLED REQ' informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "ZERO UNFILLED[:] No unfilled requests are present for the patron or institution on the file. Prepare a reading list and enter unfilled requests." Page 35
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	"Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning . . . . Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement 'LOW UNFILLED REQ' informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED[:] Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34 "ZERO UNFILLED[:] No unfilled requests are present for the patron or institution on the file. Prepare a reading list and enter unfilled requests." Page 35
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	

Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	"TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1; *see also*, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter).
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	"Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning . . . . Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement 'LOW UNFILLED REQ' informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED[:] Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34 "ZERO UNFILLED[:] No unfilled requests are present for the patron or institution on the file. Prepare a reading list and enter unfilled requests." Page 35
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable	

media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The third record contains the vital control elements which regulate the desired service pattern. . . . The frequency may be ('request') (the reader will be sent only books specifically requested), ('return') (the reader is sent books to replace those returned), or ('calendar') (the reader will be sent books weekly, biweekly, or monthly). . . . The 'automatic generation quantity' determines how many books will be sent to a patron for each one returned to provide the supply desired. This is usually set at one new book for each one returned." Page 9 "Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "The basic strategy employed presently is to replace a returned book with a book of like media, providing equal choice among alpha prefixes. Thus, if a cassette book is returned by a reader, the system will attempt to choose a cassette book or recorded cassette." Page 15 "To process the patron's records of unfilled requests, the system goes to the first unfilled request record that matches the required media type." Page 15 "A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning…Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement "LOW UNFILLED REQ" informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be

	maintained." Page 16
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning…Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement "LOW UNFILLED REQ" informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED-Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Pg. 34
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The third record contains the vital control elements which regulate the desired service pattern. . . . The frequency may be ('request') (the reader will be sent only books specifically requested), ('return') (the reader is sent books to replace those returned), or ('calendar') (the reader will be sent books weekly, biweekly, or monthly). . . . The 'automatic generation quantity' determines how many books will be sent to a patron for each one returned to provide the supply desired. This is usually set at one new book for each one returned." Page 9 "The fourth record format, called ('reader preferences,') is a free-form field used to describe the reader's favorite kinds of books, or subjects and other notations and specific instructions. (See page 31 for specific layout) It is used by staff when making selections for the readers' unfilled request list. On the basis of these known preferences, it is the staff, not the computer, that makes book selections for readers." Page 9 "The fifth record type carries unfilled book requests, with one request per record." Pages 9-10 "Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10

	"A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning…Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement "LOW UNFILLED REQ" informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "A large segment of patrons rely entirely on the library staff to make book selections for them. This takes much time and effort and cuts down on other productive uses of staff time. The operation could be handled by machine if the books were coded." Page 21 "LOW UNFILLED-Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34 "UNFILLED REQ NOS[:] An attempt was made to select a book but all unfilled requests did not find copies available. Add to the unfilled requests." Page 35 "ZERO UNFILLED[:] No unfilled requests are present for the patron or institution on the file. Prepare a reading list and enter unfilled requests." Page 35 "TBBL has had an automated inventory control and circulation system since 1975. The library currently has numerous innovative computer features designed to provide efficient service to its borrowers. Features include speedy handling of book orders and processing of outgoing and incoming books by means of OCR scanners; a CD-ROM and an online catalog providing searching by author, title, keyword, subject code, and narrator; instantaneous updating of borrower records; and computerized selection of books for borrowers based on their reading interests." Exh. J1 (; *see*

	also, "When We Choose For You" at Exh. J1 (Fall 2001 Newsletter). The computer knows when someone has reserved or requested the book, and it will attempt to satisfy these first. If a book cannot be allocated to a borrower in either of those ways, there is another way to try. If the title's subject "profile" fits the interest categories of a borrower who is due for service (who permits us to choose for them), then the book will be charged out to and sent to this borrower. Exh. J1 (Winter 2002 Newsletter).
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Good service depends upon a large number of unfilled book requests being in a reader's file for the system to attempt to match with available inventory." Page 10 "A most important aspect of the automated system is its capacity to provide special and statistical reports." Page 16 "A list of exceptional conditions detected during the previous evening's file processing is printed each morning . . . . Statements on the cause of the condition and the corrective action required staff to remedy the conditions before service deteriorates. For example, the statement 'LOW UNFILLED REQ' informs staff that a patron on return or calendar frequency needs additional unfilled requests to insure that the proper level of service be maintained." Page 16 "LOW UNFILLED-Less than seven unfilled requests are present for patrons with a frequency of RTRN, WKLY, BIWK, or MNTH. Informational only; additional unfilled requests should be entered to maintain service." Page 34
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	

Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

K. BizTalk: Unleashed

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, the publication "BizTalk: Unleashed" (March 2001) anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"When inventory drops below 10,000 they would like their system to automatically purchase a certain number of widgets based on business rules programmed into the system." Page 61
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"When inventory drops below 10,000 they would like their system to automatically purchase a certain number of widgets based on business rules programmed into the system." Page 61
c) providing a recommender system configured to provide recommendations for playable media titles;	"When you, as CEO of ACME, defined your company's services, the UDDO registry saved your settings and propagated them throughout the UDDI distributed network. By issuing this command, XYZ. Inc. gets back a service list that includes all the services that match

	the request and the companies that provide those services, which in this case is any service that provides for the purchasing of widgets online." Page 61
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"When you, as CEO of ACME, defined your company's services, the UDDO registry saved your settings and propagated them throughout the UDDI distributed network. By issuing this command, XYZ. Inc. gets back a service list that includes all the services that match the request and the companies that provide those services, which in this case is any service that provides for the purchasing of widgets online." Page 61
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until	

said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"When inventory drops below 10,000 they would like their system to automatically purchase a certain number of widgets based on business rules programmed into the system." Page 61
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action	

taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

L. MaintStar Brochure

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The publication "MaintStar Brochure" (March 2001) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7 "MaintStar guards against 'stock outages' by automatically checking the availability of each part every time a work order is issued." Page 7 "The inventory system will allow users to store and track an unlimited number of items. It will also allow you to maintain an unlimited number of parts vendors which enables users to make the most of cost comparison features available with the MaintStar system." Page 7
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7

quantity of playable media items remaining in the subscriber rental queue;	
c) providing a recommender system configured to provide recommendations for playable media titles;	"MaintStar guards against 'stock outages' by automatically checking the availability of each part every time a work order is issued." Page 7 "The inventory system will allow users to store and track an unlimited number of items. It will also allow you to maintain an unlimited number of parts vendors which enables users to make the most of cost comparison features available with the MaintStar system." Page 7
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"MaintStar guards against 'stock outages' by automatically checking the availability of each part every time a work order is issued." Page 7 "The inventory system will allow users to store and track an unlimited number of items. It will also allow you to maintain an unlimited number of parts vendors which enables users to make the most of cost comparison features available with the MaintStar system." Page 7
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"MaintStar guards against 'stock outages' by automatically checking the availability of each part every time a work order is issued." Page 7 "The inventory system will allow users to store and track an unlimited number of items. It will also allow you to maintain an unlimited number of parts vendors which enables users to make the most of cost comparison features available with the MaintStar system." Page 7 "Purchase orders and work orders can also be approved through e-mail." Page 14
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information	

indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7 "MaintStar guards against 'stock outages' by automatically checking the availability of each part every time a work order is issued." Page 7

altered;	"The inventory system will allow users to store and track an unlimited number of items. It will also allow you to maintain an unlimited number of parts vendors which enables users to make the most of cost comparison features available with the MaintStar system." Page 7
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"If the inventory level is less than your defined minimum, a message is displayed indicating the potential shortage." Page 7
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

M. Coding a Custom Alert Service (Konshak)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Konshak (February 2001) anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "The signup module is a simple HTML form page that collects certain information from the patron: name, phone number, library card barcode, and of course e-mail address. . . . Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "The list-generation module is another ColdFusion script that pulls data from the Microsoft Access

	tables, analyzes it, and develops a set of results. These results are then e-mailed to the address that the patron specified." Page 26 "[E]ach item's subject (#subject#) is compared to the user preference (#pref1#). IF they are equal (a match!), then the title, call number, and subject are written into individual arrays." Page 26 "In order to format this data to make it presentable in e-mail format, the data must be converted from the array into a list format." Page 26. "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	
c) providing a recommender system configured to provide recommendations for playable media titles;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "The list-generation module is another ColdFusion script that pulls data from the Microsoft Access

	tables, analyzes it, and develops a set of results. These results are then e-mailed to the address that the patron specified." Page 26 "Each item's subject (#subject#) is compared to the user preference (#pref1#). IF they are equal (a match!), then the title, call number, and subject are written into individual arrays." Page 26
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status. We hope to be able

	to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "The list-generation module is another ColdFusion script that pulls data from the Microsoft Access tables, analyzes it, and develops a set of results. These results are then e-mailed to the address that the patron specified." Page 26 "Each item's subject (#subject#) is compared to the user preference (#pref1#). IF they are equal (a match!), then the title, call number, and subject are written into individual arrays." Page 26
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media	

items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "The signup module is a simple HTML form page that collects certain information from the patron: name, phone number, library card barcode, and of course e-mail address. . . . Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "The list-generation module is another ColdFusion script that pulls data from the Microsoft Access tables, analyzes it, and develops a set of results.

	These results are then e-mailed to the address that the patron specified." Page 26 "[E]ach item's subject (#subject#) is compared to the user preference (#pref1#). IF they are equal (a match!), then the title, call number, and subject are written into individual arrays." Page 26 "In order to format this data to make it presentable in e-mail format, the data must be converted from the array into a list format." Page 26. "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences. Page 25 Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about. Page 26
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Once the patron has entered his vital information, he is given a choice of 45 categories from which to select. Patrons can select up to 10 subject categories they want to be notified about." Page 26 "We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25

	"Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	"Patrons would sign up via the CCPL Web site, choosing subjects they are interested in. Each month, the patrons would receive a list of new arrivals meeting their criteria. They would be able to log in and change their preferences." Page 25 "Another goal is to streamline the process so that patrons can view an item's status, and put an item on hold if it is already checked out. We hope to be able to embed links directly into the e-mail notifications, so that patrons are only one click away from viewing an item's status." Page 28

N. E-Commerce Inventory Management System Offers Unprecedented Solution for Cost Savings

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The publication "E-Commerce Inventory Management System Offers Unprecedented Solution for Cost Savings" (July 2000) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"IntelliOrder offers an unprecedented way for customers to take advantage of automating purchasing processes while still maintaining control over negotiations with existing vendors. Reports generated by the service can assist users in negotiating better contracts with their vendors because they can see at a glance how much they are buying and who they are buying from. And while IntelliOrder provides customers with electronic access to vendors, the service remains neutral between customer and vendor and does not require customers to use certain vendors." Page 1 "IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
a) defining a set of notification rules for the	"IntelliOrder provides inventory management

subscriber rental queue, which notification rules are authorized by the subscriber;	capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
c) providing a recommender system configured to provide recommendations for playable media titles;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1 "IntelliOrder offers an unprecedented way for customers to take advantage of automating purchasing processes while still maintaining control over negotiations with existing vendors. Reports generated by the service can assist users in negotiating better contracts with their vendors because they can see at a glance how much they are buying and who they are buying from. And while IntelliOrder provides customers with electronic access to vendors, the service remains neutral between customer and vendor and does not require customers to use certain vendors." Page 1

d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1 "IntelliOrder offers an unprecedented way for customers to take advantage of automating purchasing processes while still maintaining control over negotiations with existing vendors. Reports generated by the service can assist users in negotiating better contracts with their vendors because they can see at a glance how much they are buying and who they are buying from. And while IntelliOrder provides customers with electronic access to vendors, the service remains neutral between customer and vendor and does not require customers to use certain vendors." Page 1
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	

Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"IntelliOrder offers an unprecedented way for customers to take advantage of automating purchasing processes while still maintaining control over negotiations with existing vendors. Reports generated by the service can assist users in negotiating better contracts with their vendors because they can see at a glance how much they are buying and who they are buying from. And while IntelliOrder provides customers with electronic access to vendors, the service remains neutral between customer and vendor and does not require

	customers to use certain vendors." Page 1 "IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1

	"IntelliOrder offers an unprecedented way for customers to take advantage of automating purchasing processes while still maintaining control over negotiations with existing vendors. Reports generated by the service can assist users in negotiating better contracts with their vendors because they can see at a glance how much they are buying and who they are buying from. And while IntelliOrder provides customers with electronic access to vendors, the service remains neutral between customer and vendor and does not require customers to use certain vendors." Page 1
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"IntelliOrder provides inventory management capabilities that help the customer "think through" the inventory replenishment process. For example, min-max levels are monitored by the service. When inventory drops below a minimum level for any given item, the system produces a suggested purchase order, specifying recommended quantities to buy based on maximum levels set by the user." Page 1 "IntelliOrder offers an unprecedented way for customers to take advantage of automating purchasing processes while still maintaining control over negotiations with existing vendors. Reports generated by the service can assist users in negotiating better contracts with their vendors because they can see at a glance how much they are buying and who they are buying from. And while IntelliOrder provides customers with electronic access to vendors, the service remains neutral between customer and vendor and does not require customers to use certain vendors." Page 1
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

O. Power Agent

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The publication "Power Agent" (February 1995) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"This application/extension combination lets you set up "jobs" composed of a trigger (a specific time, for example) and a task (bringing up a reminder to make a phone call, perhaps)." Page 1 "For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1

subscriber rental queue should be altered;	
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"This application/extension combination lets you set up "jobs" composed of a trigger (a specific time, for example) and a task (bringing up a reminder to make a phone call, perhaps)." Page 1 "For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said	

electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"This application/extension combination lets you set up "jobs" composed of a trigger (a specific time, for example) and a task (bringing up a reminder to make a phone call, perhaps)." Page 1

	"For example, PowerAGENT can monitor an inventory database every day and notify the purchasing department by e-mail when inventory falls below a designated level. You simply choose triggers and tasks by clicking on buttons." Page 1
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

P. SOAP may help automate B2B

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The publication "SOAP May Help Automate B2B" (January 15, 2001) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	BizTalk will let e-businesses automate transactions. For example, lighting manufacturer Osram Sylvania will be able to extend its inventory management application to its partners over the Internet to provide real-time product availability information, said CIO Mehrdad Laghaeian, who was an early tester of the BizTalk Server. Page 1 ". . . Oracle's software will automate transactions. For example, it will let a manufacturing company automate the replenishment of a component if supplies fall below a predefined level, said John Magee, senior director of Oracle 9i marketing. In that instance, the application can automatically search Internet-based industrial product exchanges, find those that sell the components, compare prices and place an order." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a	". . . Oracle's software will automate transactions. For example, it will let a manufacturing company automate the replenishment of a component if supplies fall below a predefined level, said John Magee, senior director of Oracle 9i marketing. In

composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	that instance, the application can automatically search Internet-based industrial product exchanges, find those that sell the components, compare prices and place an order." Page 1
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	". . . Oracle's software will automate transactions. For example, it will let a manufacturing company automate the replenishment of a component if supplies fall below a predefined level, said John Magee, senior director of Oracle 9i marketing. In that instance, the application can automatically search Internet-based industrial product exchanges, find those that sell the components, compare prices and place an order." Page 1
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said	

electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	BizTalk will let e-businesses automate transactions. For example, lighting manufacturer Osram Sylvania will be able to extend its inventory management application to its partners over the Internet to provide real-time product availability information, said CIO Mehrdad Laghaeian, who was an early tester of the BizTalk Server. Page 1 ". . . Oracle's software will automate transactions. For example, it will let a manufacturing company automate the replenishment of a component if supplies fall below a predefined level, said John Magee, senior director of Oracle 9i marketing. In that instance, the application can automatically search Internet-based industrial product exchanges, find those that sell the components, compare prices and place an order." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a	". . . Oracle's software will automate transactions. For example, it will let a manufacturing company automate the replenishment of a component if supplies fall below a predefined level, said John Magee, senior director of Oracle 9i marketing. In

composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	that instance, the application can automatically search Internet-based industrial product exchanges, find those that sell the components, compare prices and place an order." Page 1
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

Q. Martin Skold, Phd. Thesis (Skold)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Skold (1997) anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Active Database Management Systems (ADBMSs) have been developed to support applications with detecting changes in databases. This includes support for specifying active rules that monitor changes to data and rules that perform some control tasks for the applications. Active rules can also be used for specifying constraints that must be met to maintain the integrity of the data, for maintaining long-running transactions, and for authorization control." Abstract
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The ADBMS can monitor changes to sensor data through active rules by monitoring changes to sensor data stored in the database, or by letting the process control system send foreign events when a sensor has changed (every time or when there is a significant change). The active rules can, for example, be used for managing automatic redisplay functions in user interface tools [97] that display the status of the controlled plant or for detecting abnormal situations that the process control system cannot detect (such as situations involving several local control loops)." Page 60
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be	"A classic example for active databases is that of monitoring the quantity of items in an inventory. When the quantity of an item drops below a certain threshold, new items are to be automatically ordered." Page 55

altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"This rule monitors the quantity of an item in stock and orders new items when the quantity drops below the threshold (fig. 3.7) which considers the time to get new items delivered (where order is some procedure that does the actual ordering). The consume-frequency defines how many instances of a specific item are consumed on average per day. For example, the following definitions ensure that the quantity of shoelaces in the inventory is always kept between 100 and 10000 (if the supplier delivers on time) and will trigger the rule of the quantity drops below 140." Page 55
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"When the ADBMS triggers a rule due to the change of a foreign data source, the action might be to update the foreign data source. Another response might be to issue a callback or a notification to an external application. Update procedures of foreign data sources will often be defined to issue callbacks to an external application that indirectly updates the foreign data source. The callback can be represented by a general callback mechanism or by dedicated functions that each communicate with a specific external application. A notification could be to open a notification window to signal a certain situation or to sound an alarm. If the rule is some kind of constraint rule, the callback can be to an external function that resolves a constraint violation, in he case where the ADBMS cannot resolve it directly itself." Page 175
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"When the ADBMS triggers a rule due to the change of a foreign data source, the action might be to update the foreign data source. Another response might be to issue a callback or a notification to an external application. Update procedures of foreign data sources will often be defined to issue callbacks to an external application that indirectly updates the foreign data source. The callback can be represented by a general callback mechanism or by dedicated functions that each communicate with a specific external application. A notification could be to open a notification window to signal a certain situation or to sound an alarm. If the rule is some kind of constraint rule, the callback can be to an external function that resolves a constraint violation, in he case where the ADBMS cannot resolve it directly itself." Page 175
e) causing said recommender system to interact	

with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Active Database Management Systems (ADBMSs) have been developed to support applications with detecting changes in databases. This includes support for specifying active rules that monitor changes to data and rules that perform some control tasks for the applications. Active rules can also be used for specifying constraints that must be met to maintain the integrity of the data, for maintaining long-running transactions, and for authorization control." Abstract
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The ADBMS can monitor changes to sensor data through active rules by monitoring changes to sensor data stored in the database, or by letting the process control system send foreign events when a sensor has changed (every time or when there is a significant change). The active rules can, for example, be used for managing automatic redisplay functions in user interface tools [97] that display the status of the controlled plant or for detecting abnormal situations that the process control system cannot detect (such as situations involving several local control loops)." Page 60
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"A classic example for active databases is that of monitoring the quantity of items in an inventory. When the quantity of an item drops below a certain threshold, new items are to be automatically ordered." Page 55 "This rule monitors the quantity of an item in stock and orders new items when the quantity drops below the threshold (fig. 3.7) which considers the time to get new items delivered (where order is some procedure that does the actual ordering). The consume-frequency defines how many isntances of a specific item are consumed on average pers day. For example, the following definitions ensure that the quantity of shoelaces in the inventory is always kept between 100 and 10000 (if the supplier delivers on time) and will trigger the rule of the quantity drops below 140." Page 55
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"When the ADBMS triggers a rule due to the change of a foreign data source, the action might be to update the foreign data source. Another response might be to issue a callback or a notification to an external application. Update procedures of foreign data sources will often be defined to issue callbacks to an external application that indirectly updates the

	foreign data source. The callback can be represented by a general callback mechanism or by dedicated functions that each communicate with a specific external application. A notification could be to open a notification window to signal a certain situation or to sound an alarm. If the rule is some kind of constraint rule, the callback can be to an external function that resolves a constraint violation, in he case where the ADBMS cannot resolve it directly itself." Page 175
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

R. Triggers for Object-Oriented Database Systems (McKeown)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, McKeown (1977) anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15 "Rules are defined by users, applications, or database administrators and specify desired active behaviors." Page 16 "An active rule/trigger subsystem constantly monitors system events, evaluates conditions, and

	calls stored procedures (actions) when necessary." Page 21
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	

Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15 "Rules are defined by users, applications, or database administrators and specify desired active behaviors." Page 16 "An active rule/trigger subsystem constantly monitors system events, evaluates conditions, and calls stored procedures (actions) when necessary." Page 21
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Triggers, or more precisely DBMS trigger subsystems, allow users to define conditions or invariants on the data in the DBMS and specify actions to be taken if events occur that result in a violation of one or more of the specified conditions. For example, a user of a trigger-capable DBMS

	could define a trigger on an inventory table that sends a reorder notification to the purchasing department when an inventory item drops below a certain threshold." Page 15
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

S. U.S. Patent App. 2002/0154157 (Sherr)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Sherr, filed April 6, 2001 and published October 24, 2002, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"A user interface for use with a content items delivery apparatus and method which simulates the look and feel of a video rental store. Rental of the content items occurs within an online environment including one or more client computers and at least one network server connected by a communications link to the one or more client computers. The method includes providing access to an online catalog stored within a memory of a network video server computer and displayed on a main website. The online catalog includes information regarding digital video signals available for rental from the network server computer. The digital video signals may be displayed as virtual video boxes on a virtual carousel or on virtual shelves. The user may select a digital video signal and purchase a license to view the selected digital video signal based on an access level selected by the user." Abstract ". . . one embodiment of the present invention provides a user interface that simulates the actual rental of motion pictures within a video rental store." [0014] "Systems and methods according to example embodiments of the present invention may be employed to provide a content renting, selling, or

	lending service. . . ." [0034]; *see also*, Fig. 2
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	". . . the website includes mechanisms by which additional information about content pieces is provided to the online user, either automatically or upon request by the user." [0011] "Alternatively or in addition, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire on the main website or elsewhere on the website." [0074]
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"In one embodiment, the Recommendation engine will track user activity on the website or elsewhere on the network, for example on other websites, to determine preferences of a given user. Thus, user activities relating to previous selections of content, previous purchases, websites visited by the user, software programs operated by the user or other activities of the user may suggest user preferences." [0073]
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"In one embodiment, the Recommendation engine will track user activity on the website or elsewhere on the network, for example on other websites, to determine preferences of a given user. Thus, user activities relating to previous selections of content, previous purchases, websites visited by the user, software programs operated by the user or other activities of the user may suggest user preferences." [0073]
c) providing a recommender system configured to provide recommendations for playable media titles;	"In one embodiment, the Recommendation engine will track user activity on the website or elsewhere on the network, for example on other websites, to determine preferences of a given user. Thus, user activities relating to previous selections of content, previous purchases, websites visited by the user, software programs operated by the user or other activities of the user may suggest user preferences." [0073] "Alternatively or in addition, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire . . . ." [0074]
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"In one embodiment, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire on the main website or elsewhere on the website (or otherwise received by the service operator, for example, through postal mail, electronic mail, or the like) or based on the user's evaluation of other

	content (such as other evaluations of other movies)." [0074]
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"In one embodiment, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire on the main website or elsewhere on the website (or otherwise received by the service operator, for example, through postal mail, electronic mail, or the like) or based on the user's evaluation of other content (such as other evaluations of other movies)." [0074] "In addition, in one embodiment, a content item (such as a movie) selected by the Recommendation Engine may be downloaded to the user by selecting a "Quick Pick" icon or area 212 on options menu 204, shown in FIG. 2. When a user selects the Quick Pick icon or area 212, the Recommendation Engine picks a content item (such as a movie), the main website completes a commercial transaction to purchase or otherwise obtain a license for the selected content item (for example, a movie)." [0078] "A list such as MyList may be generated by a "Remember Engine" which may, for example, be implemented in software routines on the UND or, more preferably, on the website server (or associated processor)." [0079]
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"The user may then select one of the recommended content items (such as movies), for example, by directing a cursor to the selected entry in the list, clicking on the corresponding entry in the list, touching the screen of a touch screen input device at the location of the selected list entry, entering the number or other identifier corresponding to the selected content item on a keyboard or other user-input device, or the like." [0075] "Alternatively, or in addition, once a content item on the recommendations list is selected, the user may be presented with the option of purchasing or otherwise obtaining a license to access the selected content (such as, a license to rent the selected movie), for example, by displaying information or indicia for placing an order for the selected content." Paragraph [0075]

Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	"The Recommendation Engine may be used in further embodiments to select a trailer or clip or other information relating to a content item (such as a trailer or clip of a movie) to be played in streaming box 206 on the user's customized home page." [0076]
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	"In one embodiment, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire on the main website or elsewhere on the website (or otherwise received by the service operator, for example, through postal mail, electronic mail, or the like) or based on the user's evaluation of other content (such as other evaluations of other movies)." [0074]
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	"The user may then select one of the recommended content items (such as movies), for example, by directing a cursor to the selected entry in the list, clicking on the corresponding entry in the list, touching the screen of a touch screen input device at the location of the selected list entry, entering the number or other identifier corresponding to the selected content item on a keyboard or other user-input device, or the like." [0075]

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"A user interface for use with a content items delivery apparatus and method which simulates the look and feel of a video rental store. Rental of the content items occurs within an online environment including one or more client computers and at least one network server connected by a communications link to the one or more client computers. The method includes providing access to an online catalog stored within a memory of a network video server computer and displayed on a main website. The online catalog includes information regarding digital video signals available for rental from the network server computer. The digital video signals may be displayed as virtual video boxes on a virtual carousel or on virtual shelves. The user may select a digital video signal and purchase a license to view the selected digital video signal based on an access level selected by the user." Abstract ". . . one embodiment of the present invention provides a user interface that simulates the actual rental of motion pictures within a video rental store." [0014] "Systems and methods according to example embodiments of the present invention may be employed to provide a content renting, selling, or lending service. . . ." [0034]; *see also*, Fig. 2
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	". . . the website includes mechanisms by which additional information about content pieces is provided to the online user, either automatically or upon request by the user." [0011] "Alternatively or in addition, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire on the main website or elsewhere on the website." [0074]
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"In one embodiment, the Recommendation engine will track user activity on the website or elsewhere on the network, for example on other websites, to determine preferences of a given user. Thus, user activities relating to previous selections of content, previous purchases, websites visited by the user, software programs operated by the user or other activities of the user may suggest user preferences." [0073]

c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"In one embodiment, the Recommendation Engine may suggest content items (such as movies) based on user responses to inquiries or a questionnaire on the main website or elsewhere on the website (or otherwise received by the service operator, for example, through postal mail, electronic mail, or the like) or based on the user's evaluation of other content (such as other evaluations of other movies)." [0074]
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"The user may then select one of the recommended content items (such as movies), for example, by directing a cursor to the selected entry in the list, clicking on the corresponding entry in the list, touching the screen of a touch screen input device at the location of the selected list entry, entering the number or other identifier corresponding to the selected content item on a keyboard or other user-input device, or the like." [0075] "Alternatively, or in addition, once a content item on the recommendations list is selected, the user may be presented with the option of purchasing or otherwise obtaining a license to access the selected content (such as, a license to rent the selected movie), for example, by displaying information or indicia for placing an order for the selected content." [0075]
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"The user may then select one of the recommended content items (such as movies), for example, by directing a cursor to the selected entry in the list, clicking on the corresponding entry in the list, touching the screen of a touch screen input device at the location of the selected list entry, entering the number or other identifier corresponding to the selected content item on a keyboard or other user-input device, or the like." [0075]
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	"Alternatively, or in addition, once a content item on the recommendations list is selected, the user may be presented with the option of purchasing or otherwise obtaining a license to access the selected content (such as, a license to rent the selected movie), for example, by displaying information or indicia for placing an order for the selected content." [0075]
Claim 26. The method of claim 23, wherein said	

electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

T. U.S. Patent 5,742,757 (Hamadani)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Hamadani, granted April 21, 1998, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	A software license management system that assists a user at a local node of a computer network in electing an appropriate type of software licenses available at the time of a request. Abstract. If no license for the required software tool is available at the time of the request, the request is placed on a license request queue for the required software tool. The user is notified in order of the queue when any license for the required software tool becomes available. Abstract.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	[T]he queuing manager 32 establishes the priority of the license request . . . 5:42-44.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	The monitor program 24 continues monitoring the license data base 22 to detect when any license for the required software tool becomes available. 5:46-49
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be	When the license manager 28 receives information that the license is available, it allows the first request in the queue to 50 be served. 5:49-51.

modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	
c) providing a recommender system configured to provide recommendations for playable media titles;	The custom license manager 28 accesses the license availability tables 60 to determine which licenses for the required software tool are available, and which nodes have their node-locked licenses for the required tool. If a software license is found to be available, the custom license manager 28 enables the requesting EWS to receive the licensed software tool identified in the software ill field 64 of the corresponding LAT 60 from the computer program file 50 in the license data base 22. Alternatively, the licensed software tool may be stored at the requesting EWS or any other EWS 10. 4:38-49.
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The license manager 28 notifies the requesting EWS 10 when its request can be served in order of the queue (step 220), to enable the requester to use the first available license for the required software tool. 5:51-54.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	The license manager 28 notifies the requesting EWS 10 when its request can be served in order of the queue (step 220), to enable the requester to use the first available license for the required software tool. If the user does not want to wait until the requested license becomes available, 55 the requesting EWS 10 may exit the license manager program (step 222). 5:51-57.
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	If a software license is found to be available, the custom license manager 28 enables the requesting EWS to receive the licensed software tool identified in the software ill field 64 of the corresponding LAT 60 from the computer program file 50 in the license data base 22. Alternatively, the licensed software tool may be stored at the requesting EWS or any other EWS 10. 4:42-49.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	[A] queuing manager places a license request for a required software item on a queue if neither the node locked license 30 nor the floating license for the software item is available. The requesting computer is notified in order of the queue when any of the licenses becomes available. The queuing manager maintains the queue in accordance with priorities of license requests. 2:26-35.
Claim 18. The method of claim 13, wherein said electronic notification includes information	

indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	A software license management system that assists a user at a local node of a computer network in electing an appropriate type of software licenses available at the time of a request. Abstract. If no license for the required software tool is available at the time of the request, the request is placed on a license request queue for the required software tool. The user is notified in order of the queue when any license for the required software tool becomes available. Abstract.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	[T]he queuing manager 32 establishes the priority of the license request . . . 5:42-44.

b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	[T]he queuing manager 32 establishes the priority of the license request, and places the request on a license request queue for the required software tool in accordance with the 45 request priority (step 218). The monitor program 24 continues monitoring the license data base 22 to detect when any license for the required software tool becomes available. 5:42-49
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The requesting computer is notified in order of the queue when any of the licenses becomes available. The queuing manager maintains the queue in accordance with priorities of license requests. 2:30-35. The license manager 28 notifies the requesting EWS 10 when its request can be served in order of the queue (step 220), to enable the requester to use the first available license for the required software tool. 5:51-54.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	The license manager 28 notifies the requesting EWS 10 when its request can be served in order of the queue (step 220), to enable the requester to use the first available license for the required software tool. 5:51-54.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	If the user does not want to wait until the requested license becomes available, 55 the requesting EWS 10 may exit the license manager program (step 222). 5:54-57.
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

U. U.S. Patent 6,266,649 (Linden)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Linden, granted July 24, 2001, describes systems that were in public use before the priority date of the '243 Patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	[T]he service is used to recommend products to users of a merchant's Web site. The service generates the recommendations using a previously-generated table which maps items to lists of "similar" items. The similarities reflected by the table are based on the collective interests of the community of users. Linden at 1, Figs. 5, 6. By way of example and not limitation, the disclosed methods can also be used to recommend authors, artists, categories or groups of titles, Web sites, chat groups, movies, television shows, downloadable content, restaurants, and other users. 4:47-52.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	As indicated above, the Instant Recommendations service 15 is invoked by the user by selecting a corresponding hyperlink from a Web page. 14:14-16. As described below, the user can also request that the recommendations be limited to a particular item category. 14:21-23. [T]he user may also be presented the option of designating a particular shopping cart to be used in

	generating the recommendations. 14:32-34.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	The shopping cart recommendations service is preferably invoked automatically when the user displays the contents of a shopping cart that contains more than a threshold number (e.g., 1) of popular items. The service generates the recommendations based exclusively on the current contents of the shopping cart. As a, result, the recommendations tend to be highly correlated to the user's current shopping interests. 16:5-12. The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) In one embodiment, the shopping cart process periodically "prunes" the personal shopping cart listings of items that are deemed to be dormant, such as items that have not been purchased or viewed by the particular user for a predetermined period of time (e.g. two weeks). The shopping cart process also preferably generates and maintains the user-specific listings of recent shopping cart contents. 7:49-61.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	Any of a variety of other methods can be used to initiate the recommendations generation process and to display the recommendations to the user. For example, the recommendations can automatically be generated periodically and sent to the user by e-mail, in which case the e-mail listing may contain hyperlinks to the product information pages of the recommended items. Further, the personal recommendations could be generated in advance of any request or action by the user, and cached by the Web site 30 until requested. 10:28-37.
c) providing a recommender system configured to provide recommendations for playable media titles;	The general sequence of steps that are performed by the recommendation process 52 to generate a set of personal recommendations will now be described with reference to FIG. 2. This process, and the more specific implementations of the process depicted by FIGS. 5 and 7 (described below), are intended to illustrate, and not limit, the scope of the invention. 10:6-12.
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of	The Web server incorporates this list into one or more Web pages that are returned to the user, with each recommended item being presented as a hypertextual link to the item's product information

notification rules;	page. The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items. 11:49-56.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	For example, the recommendations can automatically be generated periodically and sent to the user bye-mail, in which case the e-mail listing may contain hyperlinks to the product information pages of the recommended items. Further, the personal recommendations could be generated in advance of any request or action by the user, and cached by the Web site 30 until requested. 10:31-37.
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	By way of example and not limitation, the disclosed methods can also be used to recommend authors, artists, categories or groups of titles, Web sites, chat groups, movies, television shows, downloadable content, restaurants, and other users. 4:47-52. The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) In one embodiment, the shopping cart process periodically "prunes" the personal shopping cart listings of items that are deemed to be dormant, such as items that have not been purchased or viewed by the particular user for a predetermined period of time (e.g. two weeks). The shopping cart process also preferably generates and maintains the user-specific listings of recent shopping cart contents. 7:49-61.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	

Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	For example, a similar Items list 64 may be weighted heavily if the user gave the corresponding popular item a rating of "5" on a scale or 1-5, or if the user purchased multiple copies of the item. Weighting a similar items list 64 heavily has the effect of increasing the likelihood that the items in that list we be included in the recommendations that are ultimately presented to the user. In one implementation described below the user is presumed to have a greater affinity for recently purchased items over earlier purchased items. 11:6-15.
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	The user can also select a specific category such as "non-fiction" or "romance" from a drop-down menu 202 to request category-specific recommendations. Designating a specific category causes items in all other categories to be filtered out in step 190 (FIG. 5). 15:63-68.
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	The Web server incorporates this list into one or more Web pages that are returned to the user, with each recommended item being presented as a hypertextual link to the item's product information page. The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items. 11:49-56.

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	[T]he service is used to recommend products to users of a merchant's Web site. The service generates the recommendations using a previously-generated table which maps items to lists of "similar" items. The similarities reflected by the table are based on the collective interests of the

	community of users. Linden at 1, Figs. 5, 6. By way of example and not limitation, the disclosed methods can also be used to recommend authors, artists, categories or groups of titles, Web sites, chat groups, movies, television shows, downloadable content, restaurants, and other users. 4:47-52.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	As indicated above, the Instant Recommendations service 15 is invoked by the user by selecting a corresponding hyperlink from a Web page. 14:14-16. As described below, the user can also request that the recommendations be limited to a particular item category. 14:21-23. [T]he user may also be presented the option of designating a particular shopping cart to be used in generating the recommendations. 14:32-34.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	The shopping cart recommendations service is preferably invoked automatically when the user displays the contents of a shopping cart that contains more than a threshold number (e.g., 1) of popular items. The service generates the recommendations based exclusively on the current contents of the shopping cart. As a, result, the recommendations tend to be highly correlated to the user's current shopping interests. 16:5-12. The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) In one embodiment, the shopping cart process periodically "prunes" the personal shopping cart listings of items that are deemed to be dormant, such as items that have not been purchased or viewed by the particular user for a predetermined period of time (e.g. two weeks). The shopping cart process also preferably generates and maintains the user-specific listings of recent shopping cart contents. 7:49-61.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The Web server incorporates this list into one or more Web pages that are returned to the user, with each recommended item being presented as a hypertextual link to the item's product information page. The recommendations may alternatively be

	conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items. 11:49-56.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	For example, the recommendations can automatically be generated periodically and sent to the user bye-mail, in which case the e-mail listing may contain hyperlinks to the product information pages of the recommended items. Further, the personal recommendations could be generated in advance of any request or action by the user, and cached by the Web site 30 until requested. 10:31-37.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) 6:49-55.
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	Users of the BookMatcher service are provided the opportunity to rate individual book titles from a list of popular titles. 8:4-5.

V. U.S. Patent 6,317,722 (Jacobi)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Jacobi, granted November 13, 2001, describes systems that were in public use before the priority date of the '243 Patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	A computer-implemented service recommends products or other items to a user based on a set of items known to be of interest to the user, such as a set of items currently in the user's electronic shopping cart. In one embodiment, the service identifies items that are currently in the user's shopping cart, and uses these items to generate a list of additional items that are predicted to be of interest to the user, wherein an additional item is selected to include in the list based in-part upon whether that item is related to more than one of the items in the user's shopping cart. The item relationships are preferably determined by an off line process that analyzes user purchase histories to identify correlations between item purchases. The additional items are preferably displayed to the user when the user views the contents of the shopping cart. Page 1. The types of items that can be recommended by the service include, without limitation, books, compact discs ("CDs"), videos, authors, artists, item categories, Web sites, and chat groups. The service may be implemented, for example, as part of a Web

	site, online services network, e-mail notification service, document filtering system, or other type of computer system that explicitly or implicitly recommends items to users. In a preferred embodiment described herein, the service is used to recommend works such as book titles and music titles to users of an online merchant's Web site. 2:46-56.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	In accordance with one aspect of the invention, the mappings of items to similar items ("item-to-item mappings") are generated periodically, such as once per week, by an off-line process which identifies correlations between known interests of users in particular items. For example, in the embodiment described in detail below, the mappings are generating by periodically analyzing user purchase histories to identify correlations between purchases of items. The similarity between two items is preferably measured by determining the number of users that have an interest in both items . . . . 2:57-68. In accordance with another aspect of the invention, the similar items lists read from the table may be appropriately weighted (prior to being combined) based on indicia of the user's affinity for, or current interest in, the corresponding items of known interest. 3:19-23. Another feature of the invention involves using the current and/or recent contents of the user's shopping cart as inputs to the Recommendation Service. 6:52-54.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	If the user has multiple shopping carts, the recommendations are preferably generated based on the contents of the shopping cart implicitly or explicitly designated by the user, such as the shopping cart currently being viewed. 6:60-65. Using the current and/or recent shopping cart contents as inputs tends to produce recommendations that are highly correlated to the current short-term interests of the user . . . . 7:1-3.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) In one embodiment, the shopping cart

	process periodically "prunes" the personal shopping cart listings of items that are deemed to be dormant, such as items that have not been purchased or viewed by the particular user for a predetermined period of time (e.g. two weeks). The shopping cart process also preferably generates and maintains the user-specific listings of recent shopping cart contents. 8:7-19.
c) providing a recommender system configured to provide recommendations for playable media titles;	The present invention addresses these and other problems by providing a computer-implemented service and associated methods for generating personalized recommendations of items based on the collective interests of a community of users. An important benefit of the service is that the recommendations are generated without the need for the user, or any other users, to rate items. Another important benefit is that the recommended items are identified using a previously-generated table or other mapping structure which maps individual items to lists of "similar" items. Page 2.:33-43.
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The service may be implemented, for example, as part of a Web site, online services network, e-mail notification service, document filtering system, or other type of computer system that explicitly or implicitly recommends items to users. In a preferred embodiment described herein, the service is used to recommend works such as book titles and music titles to users of an online merchant's Web site. 2:43-57. Any of a variety of other methods can be used to initiate 55 the recommendations generation process and to display the recommendations to the user. For example, the recommendations can automatically be generated periodically and sent to the user bye-mail, in which case the e-mail listing may contain hyperlinks to the product information pages of the recommended items. Further, the personal recommendations could be generated in advance of any request or action by the user, and cached by the Web site 30 until requested. 10:54-64. Finally, in step 94, a list of the top M (e.g., 15) items of the recommendations list are returned to the Web server 32 (FIG. 1). The Web server incorporates this list into one or more Web pages that are returned to the user, with ach recommended item being presented as a hypertextual link to the item's product information page. The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission

	method. Further, the recommendations could be presented as advertisements for the recommended items. 12:4-13.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	In the embodiment depicted in FIG. 1, the items of known interest are selected from one or more of the following groups: (a) items in the user's purchase history (optionally limited to those items purchased from a particular shopping cart); (b) items in the user's shopping cart (or a particular shopping cart designated by the user), (c) items rated by the user (optionally with a score that exceeds a certain threshold, such as two), and (d) items in the "recent shopping cart contents" list associated with a given user or shopping cart. In other embodiments, the items of known interest may additionally or alternatively be selected based on the viewing activities of the user. For example, the recommendations process 52 could select items that were viewed by the user for an extended period of time and/or viewed more than once. Further, the user could be prompted to select items of interest from a list of popular items. 11:5-20.
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) In one embodiment, the shopping cart process periodically "prunes" the personal shopping cart listings of items that are deemed to be dormant, such as items that have not been purchased or viewed by the particular user for a predetermined period of time (e.g. two weeks). The shopping cart process also preferably generates and maintains the user-specific listings of recent shopping cart contents. 8:7-19.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	

Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	Weighting a similar items list 64 heavily has the effect of increasing the likelihood that the items in that list we be included in the recommendations that are ultimately presented to the user. In one implementation described below, the user is presumed to have a greater affinity for recently purchased items over earlier purchased items. 11:34-39.
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	The resulting list is then sorted (step 88) in order of highest-to-Lowest score. In step 90, the sorted list is filtered to remove unwanted items. The items removed during the filtering process may include, for example, items that have already been purchased or rated by the user, and items that fall outside any product group (such as music or books), product category (such as non-fiction), or content rating (such as PG or adult) designated by the user. 11:49-56.
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	Finally, in step 94, a list of the top M (e.g., 15) items of the recommendations list are returned to the Web server 32 (FIG. 1). The Web server incorporates this list into one or more Web pages that are returned to the user, with ach recommended item being presented as a hypertextual link to the item's product information page. The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items. 12:4-13.

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	A computer-implemented service recommends products or other items to a user based on a set of items known to be of interest to the user, such as a set of items currently in the user's electronic shopping cart. In one embodiment, the service

	identifies items that are currently in the user's shopping cart, and uses these items to generate a list of additional items that are predicted to be of interest to the user, wherein an additional item is selected to include in the list based in-part upon whether that item is related to more than one of the items in the user's shopping cart. The item relationships are preferably determined by an off line process that analyzes user purchase histories to identify correlations between item purchases. The additional items are preferably displayed to the user when the user views the contents of the shopping cart. Page 1. The types of items that can be recommended by the service include, without limitation, books, compact discs ("CDs"), videos, authors, artists, item categories, Web sites, and chat groups. The service may be implemented, for example, as part of a Web site, online services network, e-mail notification service, document filtering system, or other type of computer system that explicitly or implicitly recommends items to users. In a preferred embodiment described herein, the service is used to recommend works such as book titles and music titles to users of an online merchant's Web site. 2:46-56.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	In accordance with one aspect of the invention, the mappings of items to similar items ("item-to-item mappings") are generated periodically, such as once per week, by an off-line process which identifies correlations between known interests of users in particular items. For example, in the embodiment described in detail below, the mappings are generating by periodically analyzing user purchase histories to identify correlations between purchases of items. The similarity between two items is preferably measured by determining the number of users that have an interest in both items . . . . 2:57-68. In accordance with another aspect of the invention, the similar items lists read from the table may be appropriately weighted (prior to being combined) based on indicia of the user's affinity for, or current interest in, the corresponding items of known interest. 3:19-23. Another feature of the invention involves using the current and/or recent contents of the user's shopping cart as inputs to the Recommendation Service.

	6:52-54.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	If the user has multiple shopping carts, the recommendations are preferably generated based on the contents of the shopping cart implicitly or explicitly designated by the user, such as the shopping cart currently being viewed. 6:60-65. Using the current and/or recent shopping cart contents as inputs tends to produce recommendations that are highly correlated to the current short-term interests of the user . . . . 7:1-3.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	The service may be implemented, for example, as part of a Web site, online services network, e-mail notification service, document filtering system, or other type of computer system that explicitly or implicitly recommends items to users. In a preferred embodiment described herein, the service is used to recommend works such as book titles and music titles to users of an online merchant's Web site. 2:43-57. Any of a variety of other methods can be used to initiate 55 the recommendations generation process and to display the recommendations to the user. For example, the recommendations can automatically be generated periodically and sent to the user bye-mail, in which case the e-mail listing may contain hyperlinks to the product information pages of the recommended items. Further, the personal recommendations could be generated in advance of any request or action by the user, and cached by the Web site 30 until requested. 10:54-64. Finally, in step 94, a list of the top M (e.g., 15) items of the recommendations list are returned to the Web server 32 (FIG. 1). The Web server incorporates this list into one or more Web pages that are returned to the user, with ach recommended item being presented as a hypertextual link to the item's product information page. The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items. 12:4-13.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	In one embodiment, the shopping cart process periodically "prunes" the personal shopping cart listings of items that are deemed to be dormant, such as items that have not been purchased or viewed by

	the particular user for a predetermined period of time (e.g. two weeks). The shopping cart process also preferably generates and maintains the user-specific listings of recent shopping cart contents. 8:12-19.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	The external components 40 also include a shopping cart process (not shown) which adds and removes items from the users' personal shopping carts based on the actions of the respective users. (The term "process" is used herein to refer generally to one or more code modules that are executed by a computer system to perform a particular task or set of related tasks.) 8:7-12.
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	Any of a variety of other methods can be used to initiate 55 the recommendations generation process and to display the recommendations to the user. For example, the recommendations can automatically be generated periodically and sent to the user bye-mail, in which case the e-mail listing may contain hyperlinks to the product information pages of the recommended items. Further, the personal recommendations could be generated in advance of any request or action by the user, and cached by the Web site 30 until requested. 10:54-64.
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	Finally, in step 94, a list of the top M (e.g., 15) items of the recommendations list are returned to the Web server 32 (FIG. 1). The Web server incorporates this list into one or more Web pages that are returned to the user, with ach recommended item being presented as a hypertextual link to the item's product information page. The recommendations may alternatively be conveyed to the user by email, facsimile, or other transmission method. Further, the recommendations could be presented as advertisements for the recommended items. 12:4-13.

W. U.S. Patent 6,826,560 (Leymann)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Leymann, granted November 30, 2004 based on an application filed on June 30, 2000, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	The present invention teaches in general how to efficiently exploit active database technology and extensible database technology, i.e. triggers and user-defined functions for processing subscriptions. Page 1. The present invention has a very general scope. Its basic principles can be applied in any situation in which any notification process or brokering, and in particular publish and subscribe processes take place. 1:21-24.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	The query in the body of the trigger must be a more complicated one as it basically has to search for all potential subscribers in the associated collected metadata 35 tables. Depending on the embodiment of the present invention this might involve at least an n-way join where n is the number of comparison operators supported in subscription filters for the target table. 4:32-38. With reference to FIG. 8 the second preferred aspect of the present invention is described in more detail, namely the use of user-defined functions, UDFs, for

	delivery of messages. 7:52-55.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	With reference to FIG. 6 a collection of sample subscription filters is depicted and how each of them is represented as tuples in the sample metadata tables of the sample embodiment from FIG. 4. 6:60-64.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	When a tuple is manipulated in table T which corresponds to a publication in a usual prior art message broker the corresponding trigger fires and determines in a single invocation all subscribers interested in modification of tuples. 4:26-29. The trigger body, consists of a select statement which corresponds to the embodiment discussed for generating the metadata tables and for representing subscriptions in these metadata tables described with reference to FIGS. 4 and 5, respectively. 7:44-48.
c) providing a recommender system configured to provide recommendations for playable media titles;	The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15.
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications by querying the table. 4:41-50.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	With reference to FIG. 8 the second preferred aspect of the present invention is described in more detail, namely the use of user-defined functions, UDFs, for delivery of messages. 7:52-55.
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15.

	Another embodiment will deliver just the subscriber identifier and the identifier of the modified tuple into a system specific internal queue. Periodically, this queue can be processed by a separate program which will retrieve the modified tuples and submit them to the subscribers destination queue. 8:26-31. For example, the delivery function can just put the minimum amount of information about the qualifying subscribers and the causing tuple, as e.g. its primary key into a separate queue. From this queue another program can construct the messages to be delivered to the qualified subscribers in a second step. This program can even compile a list of subscribers based on this queue input and pass the list to a stored procedure which will then more efficiently construct and actually deliver the messages to the subscribers. 8:52-60.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15.
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15.
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15.

Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications by querying the table. 4:41-50

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	The present invention teaches in general how to efficiently exploit active database technology and extensible database technology, i.e. triggers and user-defined functions for processing subscriptions. Leymann at 1. The present invention has a very general scope. Its basic principles can be applied in any situation in which any notification process or brokering, and in particular publish and subscribe processes take place. 1:21-24.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	The query in the body of the trigger must be a more complicated one as it basically has to search for all potential subscribers in the associated collected metadata 35 tables. Depending on the embodiment of the present invention this might involve at least an n-way join where n is the number of comparison operators supported in subscription filters for the target table. 4:32-38. With reference to FIG. 8 the second preferred aspect of the present invention is described in more detail, namely the use of user-defined functions, UDFs, for delivery of messages. 7:52-55.

b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	With reference to FIG. 6 a collection of sample subscription filters is depicted and how each of them is represented as tuples in the sample metadata tables of the sample embodiment from FIG. 4. 6:60-64. When a tuple is manipulated in table T which corresponds to a publication in a usual prior art message broker the corresponding trigger fires and determines in a single invocation all subscribers interested in modification of tuples. 4:26-29. The trigger body, consists of a select statement which corresponds to the embodiment discussed for generating the metadata tables and for representing subscriptions in these metadata tables described with reference to FIGS. 4 and 5, respectively. 7:44-48.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications by querying the table. 4:41-50. For example, the delivery function can just put the minimum amount of information about the qualifying subscribers and the causing tuple, as e.g. its primary key into a separate queue. From this queue another program can construct the messages to be delivered to the qualified subscribers in a second step. This program can even compile a list of subscribers based on this queue input and pass the list to a stored procedure which will then more efficiently construct and actually deliver the messages to the subscribers. 8:52-60.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications

	by querying the table. 4:41-50. The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications by querying the table. 4:41-50. The deliver UDF will then process each subscriber according to his subscription request, depicted with item 4 in FIG. 8 which will often mean in praxis to enqueue the subscription response in a target user queue. 8:11-15. Another embodiment will deliver just the subscriber identifier and the identifier of the modified tuple into a system specific internal queue. Periodically, this queue can be processed by a separate program which will retrieve the modified tuples and submit them to the subscribers destination queue. 8:26-31.
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications by querying the table. 4:41-50. With reference to FIG. 8 the second preferred aspect of the present invention is described in more detail,

	namely the use of user-defined functions, UDFs, for delivery of messages. 7:52-55. For example, the delivery function can just put the minimum amount of information about the qualifying subscribers and the causing tuple, as e.g. its primary key into a separate queue. From this queue another program can construct the messages to be delivered to the qualified subscribers in a second step. This program can even compile a list of subscribers based on this queue input and pass the list to a stored procedure which will then more efficiently construct and actually deliver the messages to the subscribers. 8:52-60.
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	With reference to the notification which is initiated by the database trigger it should be mentioned that the inventional concept is very general in this respect. Notification could mean, for example, that a message in the sense of a messaging system is sent, an action is performed on an object managed on an object server, or, an e-mail is sent to the subscriber. It could be even inserted into a table that is maintained for each subscriber, which allows the subscriber to retrieve the appropriate notifications by querying the table. 4:41-50

X. U.S. Patent 6,910,070 (Mishra)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Mishra, granted June 21, 2005 based on an application filed on January 24, 2000, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"This invention relates to methods and systems to notify system users and/or applications of changes to the state of a computer system and/or to the data residing within the system. More particularly, the present invention relates to computer-implemented methods and systems to notify database users and/or applications of events within the database data or to the database system itself." 1:8-14 "For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51 Queues, whether persistent or non-persistent, may be stored in queue tables within the database 310. A queue table is a database table and contains one or more queues.

	As such, the full functionality native to the database 310 is available to operate on the queue tables. 8:60-65.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51 "To notify a user of the occurrence of an event, a trigger may be declared, as shown in step S1b. A trigger is a procedure that is implicitly executed when, for example, certain Data Manipulation Language (DML) statements (such as INSERT, UPDATE or DELETE, for example) are issued against an associated table in the database, as disclosed, for example." 1:66- 2:5 "Each of the notification clients 370, 372, 372, and/or 376 may subscribe to be notified upon the occurrence of one or more data or system events." 5:13-15 "The delivery information stored in the names schema 330 includes information as to where the notification is to be sent and how the notification is to be sent." 5:41-43 "When an event (whether data or system-related) fires a trigger among the triggers 314, a notification is generated. The notification is published to the channel 315." 6:11-13 "At the time of subscription and registration, the clients 370, 372, 374, and/or 376 may specify the quality of service desired for the database notifications. Within the context of the present invention, the phrase "quality of service" shall be deemed to include information as to whether the notification has been specified to be persistent or non-persistent." 7:43-48
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The event monitor 350 (a single event monitor 350 may be instantiated with each instance of the database 310) reads new event notifications from the shared memory space 340, and consults the names schema 330 to determine whether any of the subscriptions 320 have specified the event name corresponding to the published notification." 6:20-26 "The present invention, according to one embodiment thereof, may utilize queueing mechanisms wherein each event name maps onto a queue. Using queues, the clients 370, 372, 374, and/or 376 may subscribe and register to

	receive event notifications through their respective agents that, in this embodiment, may be thought of as logical persistent queue users." 7:9-13 "According to the present invention, when a trigger 314 fires, the database 310 for persistent queues, may enqueue the notification message into the queue referenced by the event name associated with the trigger that fired and write the notification message to shared memory 340. The event monitor 350 may then read the notification from the shared memory 340 and selectively propagate the notification toward the appropriate clients 370, 372, 374, and/or 376 using the registration information stored in the names schema 330 and the protocol engine 360. The clients 370, 372, 374, and/or 376 may thereafter dequeue the notification message at their convenience." 7:17-34
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51 "To notify a user of the occurrence of an event, a trigger may be declared, as shown in step S1b. A trigger is a procedure that is implicitly executed when, for example, certain Data Manipulation Language (DML) statements (such as INSERT, UPDATE or DELETE, for example) are issued against an associated table in the database, as disclosed, for example." 1:66- 2:5

	"Each of the notification clients 370, 372, 372, and/or 376 may subscribe to be notified upon the occurrence of one or more data or system events." 5:13-15 "The delivery information stored in the names schema 330 includes information as to where the notification is to be sent and how the notification is to be sent." 5:41-43 "When an event (whether data or system-related) fires a trigger among the triggers 314, a notification is generated. The notification is published to the channel 315." 6:11-13 "The protocol engine 360, according to an embodiment of the present invention, includes a process that sends a notification to appropriate clients 370, 372, 374, and/or 376 in the manner specified by the registration information in the names schema 330, as specified by the client 370, 372, 374, or 376 when the client 370, 372, 374, or 376 registered to receive notifications to the event. For example, the protocol engine 360 may send the notification to one or more of the clients 370, 372, 374, and/or 376 via one or more of any number of public protocols such as, for example, Hyper Text Transfer Protocol (http)…" 6:49-63
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	The properly formatted notification, in step S9, is then pushed out, or transmitted, to the client(s) 370, 372, 374 and/or 376. It is to be noted that a same notification may be sent to several different clients 370, 372, 374 and/or 376, each having specified a different rule and delivery information, rule and/or quality of service. Each of these client applications 370, 372, 374 and/or 376, in turn, may carry out different actions based upon the received notification. For example, should a notification of a system event such as a system shutdown be received by clients 370 and 372, client 370 may opt to do nothing because it is not currently accessing the database 310, whereas the client 372 process may save partial results, shut down in an orderly fashion and resume operations only after receiving notification that the database 310 is once again operational. By promoting inter-enterprise integration in this manner, notifications may be delivered to outside, disconnected client applications 370, 372, 374 and/or 376 over multiple protocols to allow the clients 370, 372, 374 and/or 376 to programmatically take some predetermined (e.g., corrective or preemptive) action. 10:22-43.
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	

Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	The event monitor 350 may then, in concert with the protocol engine 360, re-attempt delivery of the notification to the client(s) clients 370, 372, 374 and/or 376 having registered therefor. Additional filtering may occur prior to re-attempting delivery of the notifications stored in the persistent storage 345. For example, the client(s) 370, 372, 374 and/or 376 may be interested in receiving only the latest of a series of notifications relating to a given event name. 11:9-17.
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	If one or more of the clients 370, 372, 374 and/or 376 are currently registered, the delivery information specified upon registration is retrieved in step S7 and the notification is formatted according to the protocol (iiop, ftp, http, etc.) specified by the client(s) 370, 372, 374 and/or 376 upon registration, as shown in step S8. 10:17-22.

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"This invention relates to methods and systems to notify system users and/or applications of changes to the state of a computer system and/or to the data residing within the system. More particularly, the present invention relates to computer-implemented methods and systems to notify database users and/or applications of events within the database data or to the database system itself." 1:8-14 "For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51 Queues, whether persistent or non-persistent, may be stored in queue tables within the database 310. A queue table is a database table and contains one or more queues. As such, the full functionality native to the database 310 is available to operate on the queue tables. 8:60-65.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51 "To notify a user of the occurrence of an event, a trigger may be declared, as shown in step S1b. A trigger is a procedure that is implicitly executed when, for example, certain Data Manipulation Language (DML) statements (such as INSERT, UPDATE or DELETE, for example) are issued against an associated table in the database, as

	disclosed, for example." 1:66- 2:5 "Each of the notification clients 370, 372, 372, and/or 376 may subscribe to be notified upon the occurrence of one or more data or system events." 5:13-15 "The delivery information stored in the names schema 330 includes information as to where the notification is to be sent and how the notification is to be sent." 5:41-43 "When an event (whether data or system-related) fires a trigger among the triggers 314, a notification is generated. The notification is published to the channel 315." 6:11-13 "At the time of subscription and registration, the clients 370, 372, 374, and/or 376 may specify the quality of service desired for the database notifications. Within the context of the present invention, the phrase "quality of service" shall be deemed to include information as to whether the notification has been specified to be persistent or non-persistent." 7:43-48
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The event monitor 350 (a single event monitor 350 may be instantiated with each instance of the database 310) reads new event notifications from the shared memory space 340, and consults the names schema 330 to determine whether any of the subscriptions 320 have specified the event name corresponding to the published notification." 6:20-26 "The present invention, according to one embodiment thereof, may utilize queueing mechanisms wherein each event name maps onto a queue. Using queues, the clients 370, 372, 374, and/or 376 may subscribe and register to receive event notifications through their respective agents that, in this embodiment, may be thought of as logical persistent queue users." 7:9-13 "According to the present invention, when a trigger 314 fires, the database 310 for persistent queues, may enqueue the notification message into the queue referenced by the event name associated with the trigger that fired and write the notification message to shared memory 340. The event monitor 350 may then read the notification from the shared memory 340 and selectively propagate the notification toward the appropriate clients 370, 372, 374, and/or 376 using the registration information stored in the names schema 330 and the protocol engine 360. The clients 370, 372, 374, and/or 376 may thereafter dequeue the notification message at their convenience." 7:17-34
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of	"For example, users and/or programs accessing the database may want to be notified upon the occurrence of specified system events, such as whether the database is about to shutdown or startup, is running out of disk space or rollback segments or upon the occurrence of logons

notification rules;	and logoffs, for example. Likewise, inventory managers, for example may want to be notified upon the occurrence of specified data events, such as when the inventory for a specific part falls below a critical threshold, so that additional parts can be ordered in a timely manner. In each case, some action may be taken based upon such system- or data-related information extracted or otherwise obtained from the database." 1:39-51 "To notify a user of the occurrence of an event, a trigger may be declared, as shown in step S1b. A trigger is a procedure that is implicitly executed when, for example, certain Data Manipulation Language (DML) statements (such as INSERT, UPDATE or DELETE, for example) are issued against an associated table in the database, as disclosed, for example." 1:66- 2:5 "Each of the notification clients 370, 372, 372, and/or 376 may subscribe to be notified upon the occurrence of one or more data or system events." 5:13-15 "The delivery information stored in the names schema 330 includes information as to where the notification is to be sent and how the notification is to be sent." 5:41-43 "When an event (whether data or system-related) fires a trigger among the triggers 314, a notification is generated. The notification is published to the channel 315." 6:11-13 "The protocol engine 360, according to an embodiment of the present invention, includes a process that sends a notification to appropriate clients 370, 372, 374, and/or 376 in the manner specified by the registration information in the names schema 330, as specified by the client 370, 372, 374, or 376 when the client 370, 372, 374, or 376 registered to receive notifications to the event. For example, the protocol engine 360 may send the notification to one or more of the clients 370, 372, 374, and/or 376 via one or more of any number of public protocols such as, for example, Hyper Text Transfer Protocol (http)…" 6:49-63
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	The properly formatted notification, in step S9, is then pushed out, or transmitted, to the client(s) 370, 372, 374 and/or 376. It is to be noted that a same notification may be sent to several different clients 370, 372, 374 and/or 376, each having specified a different rule and delivery information, rule and/or quality of service. Each of these client applications 370, 372, 374 and/or 376, in turn, may carry out different actions based upon the received notification. For example, should a notification of a system event such as a system shutdown be received by clients 370 and 372, client 370 may opt to do

	nothing because it is not currently accessing the database 310, whereas the client 372 process may save partial results, shut down in an orderly fashion and resume operations only after receiving notification that the database 310 is once again operational. By promoting inter-enterprise integration in this manner, notifications may be delivered to outside, disconnected client applications 370, 372, 374 and/or 376 over multiple protocols to allow the clients 370, 372, 374 and/or 376 to programmatically take some predetermined (e.g., corrective or preemptive) action. 10:22-43.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	The properly formatted notification, in step S9, is then pushed out, or transmitted, to the client(s) 370, 372, 374 and/or 376. It is to be noted that a same notification may be sent to several different clients 370, 372, 374 and/or 376, each having specified a different rule and delivery information, rule and/or quality of service. Each of these client applications 370, 372, 374 and/or 376, in turn, may carry out different actions based upon the received notification. For example, should a notification of a system event such as a system shutdown be received by clients 370 and 372, client 370 may opt to do nothing because it is not currently accessing the database 310, whereas the client 372 process may save partial results, shut down in an orderly fashion and resume operations only after receiving notification that the database 310 is once again operational. By promoting inter-enterprise integration in this manner, notifications may be delivered to outside, disconnected client applications 370, 372, 374 and/or 376 over multiple protocols to allow the clients 370, 372, 374 and/or 376 to programmatically take some predetermined (e.g., corrective or preemptive) action. 10:22-43.
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	"The protocol engine 360, according to an embodiment of the present invention, includes a process that sends a notification to appropriate clients 370, 372, 374, and/or 376 in the manner specified by the registration information in the names schema 330, as specified by the client 370, 372, 374, or 376 when the client 370, 372, 374, or 376 registered to receive notifications to the

	event. For example, the protocol engine 360 may send the notification to one or more of the clients 370, 372, 374, and/or 376 via one or more of any number of public protocols such as, for example, Hyper Text Transfer Protocol (http)…" 6:49-63

Y. U.S. Patent No. 7,324,961 (Al-Azzawe)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Al-Azzawe, granted January 29, 2008 based on an application filed on June 21, 2001, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	According to the method and system disclosed where the service providers are video rental chains, for example, the present invention provides a more efficient way for video rental chains to serve and manage their customer base. The repository database provided by the network service makes validating customer credentials accessible by each registered rental chain, and provides consumer-based services by storing information such as customer rental history, wish list registry, and a recommended video list for each customer no matter which rental chain the customer used. By making the customer information accessible to all registered rental chains, rental chains may increase their revenue per customer. Page 1 In a further aspect of the present invention, movie title lists are enhanced by displaying dynamic icons adjacent to the movie titles on the list, where a click on the dynamic icons initiates a corresponding action, such as "rent" or "buy". Accordingly, users are allowed to take immediate action with respect to a particular movie title without needing to first navigate to a separate movie title web page. 2:47-67. "The WWW.IMDB.COM Web site is a video business-to-consumer Web site that allows customers to build a

	wish list and review/rate movies tides." 1:37-39. "The purpose of movie title lists is to typically allow users to rent or buy a movie title, or to add the movie title to a wish list (i.e., registering and interest in a particular title)." 1:57-59 "In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 1. Sets the maximum rental limits for customers based on their rental credentials to minimize loss…3.Avoids duplicate rentals to customers where a customer forgets that he/she already rented a title in the past – no local management of the rented list is required…9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 1. Sets the maximum rental limits for customers based on their rental credentials to minimize loss…3.Avoids duplicate rentals to customers where a customer forgets that he/she already rented a title in the past – no local management of the rented list is required…4. Makes the wish list readily available to all stores to empower them to recommend titles that are in

	stock. The wish list is automatically updated on the VideoCentral database 24 as the customer rents/updates his list – no local management of the wish list is required…Provides business intelligence queries for generating title rental recommendation list based on customer rental history, wish list, prior ratings of rentals, and rental titles info. The data is more accurate than what would have been possible if access was limited to local store database online. The business intelligence queries also generate title purchase (quantity and type) list to businesses based on their customer preferences and new titles info…9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	Provide notification services that allow the rental chain applications to subscribe to automatic notifications triggered by repository data updates to customer and movie title information. Fig. 2 "In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13
c) providing a recommender system configured to provide recommendations for playable media titles;	"Customer wish list data gathered through a manual or an online solution from the customers by the client applications 14. This is a list of titles a customer might be interested in renting in the future. This data is a value-added service for video rental chains to allow them to automatically suggest titles for customers as the wish-list entries become available. The wish list data is entered by customers over the Web or supplied by the various rental stores." 4:47-55 "A recommended list – a list of titles automatically recommended by the VideoCentral application 12 for each customer. This data is used as a value-added service for the video chains to allow them to automatically suggest titles for customers. The recommended list is generated based on intelligent analysis the customers' personal information (age, sex, and so on) and critical data analysis of the customers rented list, title ratings and wish list in conjunction with the movie title data." 5:44-52
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present

	invention will provide rental business owners with the following value-add features: 9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"Query generated movie title list results from a search entered by the user, such as a search by actor, director, producer, writer, genre, and so forth, as well as a combination of these categories." 1:53-56 "Customer wish list data gathered through a manual or an online solution from the customers by the client applications 14. This is a list of titles a customer might be interested in renting in the future. This data is a value-added service for video rental chains to allow them to automatically suggest titles for customers as the wish-list entries become available. The wish list data is entered by customers over the Web or supplied by the various rental stores." 4:47-55 "A recommended list – a list of titles automatically recommended by the VideoCentral application 12 for each customer. This data is used as a value-added service for the video chains to allow them to automatically suggest titles for customers. The recommended list is generated based on intelligent analysis the customers' personal information (age, sex, and so on) and critical data analysis of the customers rented list, title ratings and wish list in conjunction with the movie title data." 5:44-52
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"In a further aspect of the present invention, movie title lists are enhanced by displaying dynamic icons adjacent to the movie titles on the list, where a click on the dynamic icons initiates a corresponding action, such as "rent" or "buy". Accordingly, users are allowed to take immediate action with respect to a particular movie title without needing to first navigate to a separate movie title web page." 2:61-67 "According to the present invention, a click on the dynamic icons 104-108 initiates a corresponding action, such as 'rent' or 'buy', thereby allowing the user to take immediate action with respect to a particular movie title 102 without needing to first navigate to a separate movie title web page." 7:34-38
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said	

electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	"An order list – is a list of title names and quantities automatically recommended that VideoCentral application 12. This data is used as a value added service for the video rental chains to allow them to automatically determine which new release titles to order for their stores and how many. This data is generated based on historical data analysis of each store's customers each customers rented list, title ratings and wish list is conjunction with the movie title data." 5:53-61
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	"Query generated movie title list results from a search entered by the user, such as a search by actor, director, producer, writer, genre, and so forth, as well as a combination of these categories." 1:53-56
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	"Customer evaluations (ratings) of various rental movie titles gathered through a manual or an online solution from the customers by the client applications 14. This data is a value added service for the rental chains to allow for the exchange of public opinion of movie titles." 4:65-5:3 "According to the present invention, a click on the dynamic icons 104-108 initiates a corresponding action, such as 'rent' or 'buy', thereby allowing the user to take immediate action with respect to a particular movie title 102 without needing to first navigate to a separate movie title web page." 7:34-38

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	According to the method and system disclosed where the service providers are video rental chains, for example, the present invention provides a more efficient way for video rental chains to serve and manage their customer base. The repository database provided by the network service

	makes validating customer credentials accessible by each registered rental chain, and provides consumer-based services by storing information such as customer rental history, wish list registry, and a recommended video list for each customer no matter which rental chain the customer used. By making the customer information accessible to all registered rental chains, rental chains may increase their revenue per customer. Page 1 In a further aspect of the present invention, movie title lists are enhanced by displaying dynamic icons adjacent to the movie titles on the list, where a click on the dynamic icons initiates a corresponding action, such as "rent" or "buy". Accordingly, users are allowed to take immediate action with respect to a particular movie title without needing to first navigate to a separate movie title web page. 2:47-67. "The WWW.IMDB.COM Web site is a video business-to-consumer Web site that allows customers to build a wish list and review/rate movies tides." 1:37-39. "The purpose of movie title lists is to typically allow users to rent or buy a movie title, or to add the movie title to a wish list (i.e., registering and interest in a particular title)." 1:57-59 "In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 1. Sets the maximum rental limits for customers based on their rental credentials to minimize loss…3.Avoids duplicate rentals to customers where a customer forgets that he/she already rented a title in the past – no local management of the rented list is required…9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 9. Automatically notifies

	rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 1. Sets the maximum rental limits for customers based on their rental credentials to minimize loss…3.Avoids duplicate rentals to customers where a customer forgets that he/she already rented a title in the past – no local management of the rented list is required…4. Makes the wish list readily available to all stores to empower them to recommend titles that are in stock. The wish list is automatically updated on the VideoCentral database 24 as the customer rents/updates his list – no local management of the wish list is required…Provides business intelligence queries for generating title rental recommendation list based on customer rental history, wish list, prior ratings of rentals, and rental titles info. The data is more accurate than what would have been possible if access was limited to local store database online. The business intelligence queries also generate title purchase (quantity and type) list to businesses based on their customer preferences and new titles info…9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"In a preferred embodiment of the present invention, the VideoCentral application 12 also provides notification services in step 58 that allow the rental chain applications 14 to subscribe to automatic notifications triggered by repository data updates to customer and movie title information." 6:8-13 "Using a centralized and secure repository database that

	spans multiple franchises in accordance with the present invention will provide rental business owners with the following value-add features: 4. Makes the wish list readily available to all stores to empower them to recommend titles that are in stock. The wish list is automatically updated on the VideoCentral database 24 as the customer rents/updates his list – no local management of the wish list is required…Provides business intelligence queries for generating title rental recommendation list based on customer rental history, wish list, prior ratings of rentals, and rental titles info. The data is more accurate than what would have been possible if access was limited to local store database online. The business intelligence queries also generate title purchase (quantity and type) list to businesses based on their customer preferences and new titles info…9. Automatically notifies rental chains of user profile updates for those customers for which a business registers its interest in." 6:54- 7:18
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"In a further aspect of the present invention, movie title lists are enhanced by displaying dynamic icons adjacent to the movie titles on the list, where a click on the dynamic icons initiates a corresponding action, such as "rent" or "buy". Accordingly, users are allowed to take immediate action with respect to a particular movie title without needing to first navigate to a separate movie title web page." 2:61-67 "According to the present invention, a click on the dynamic icons 104-108 initiates a corresponding action, such as 'rent' or 'buy', thereby allowing the user to take immediate action with respect to a particular movie title 102 without needing to first navigate to a separate movie title web page." 7:34-38
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	"Customer evaluations (ratings) of various rental movie titles gathered through a manual or an online solution from the customers by the client applications 14. This data is a value added service for the rental chains to allow for the exchange of public opinion of movie titles." 4:65-5:3 "According to the present invention, a click on the dynamic icons 104-108 initiates a corresponding action, such as 'rent' or 'buy', thereby allowing the user to take immediate action with respect to a particular movie title 102 without needing to first navigate to a separate movie title web page." 7:34-38

Z. Automated Residence Hall Signups (Miller)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Miller (2000) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email

	the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email

	the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request."

	Management, Page 193
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	When the ResNet subscription request is transmitted via email, the message body contains data that is presented as field names. For example, the responses to the question for First Name from the web page is contained in the email as "first_name: Joe". ATG has the capability of looking through message text and finding predefined field names and extracting the data. This data can then be placed in the corresponding HEAT database fields for the generated request. An example of the email message can be seen in Figure 2. Management, Page 192
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said	

electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190

	"The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The HEAT system subsequently provides reports that are generated giving both the current status of the request and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
c) sending an electronic notification to the	"The HEAT system subsequently provides reports that are generated giving both the current status of the request

subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	and w here it lies in the work queue. Additional steps are taken in order to ensure the individual request is serviced in a timely manner. Monitoring software with predefined filters is applied to the applications and notifications are automatically delivered to the appropriate managers when applications fall behind the predetermined time intervals." Abstract, Page 190 "The problem was to develop a transaction that would be simple enough for a first time user to negotiate a secure request for a ResNet set up. In the same transaction, supply the hall RCC enough information to contact the new user; be able to provide the new user with feedback that the request was established, and where they are in the wait queue to obtain service." Problem, Page 190 "Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193 When the ResNet subscription request is transmitted via email, the message body contains data that is presented as field names. For example, the responses to the question for First Name from the web page is contained in the email as "first_name: Joe". ATG has the capability of looking through message text and finding predefined field names and extracting the data. This data can then be placed in the corresponding HEAT database fields for the generated request. An example of the email message

	can be seen in Figure 2. Management, Page 192
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"Additionally, one can set the escalator to make an initial look at the request then sleep on the request for a longer period of time. An example of how this could be setup is as follows: one can have the Auto Escalator look at the request 24 hours after it has been created to see if it had been modified (i.e. has the RCC made any changes yet). If none have been made, the Auto Escalator will email the RCC with a reminder note that the ResNet request exists and nothing has been done about it yet. Next the Auto Escalator is set to look again at the request after three days; if nothing has been done then it automatically sends email messages to the RCC and his/her supervisor and makes a journal entry into the ResNet request." Management, Page 193
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	"Once a request is processed, the email address of the requestor is used to send back a message stating that a ResNet subscription request has been processed for the supplied student ID number and gives the system call ID (tracking number) for that request." 3.4.2 Configuration of the Auto Ticket Generator, Page 193
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	"Once a request is processed, the email address of the requestor is used to send back a message stating that a ResNet subscription request has been processed for the supplied student ID number and gives the system call ID (tracking number) for that request." 3.4.2 Configuration of the Auto Ticket Generator, Page 193 "These reports are accessed from the web by way of a central page that gives instructions on how to read the report and to select the subscriber's specific hall report. URLs are pointed to the central page from several locations, for example, the main student page and from inside the secure request form page." 4.1 Student Report, Page 193

AA. Database Event Notification System (Hanson)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Hanson (1996) anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "OMG Object Services will include an event service where objects can register for events and raise events. Objects registered for events are to receive event notifications when the event is raised." Page 14 "Queued transactions are provided for application environments where an immediate response to a request is not essential, and messages must be able to flow reliably between clients and servers even if client, server, or network failures occur. Queued transaction processing involves three steps, each executed as a separate transaction:" Page 18
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to

	display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "define event: This declares the existence of an event with a specific name and parameter format. The general form of the command is:" Page 14 "The handler clause specifies which clients registered for the event will receive notifications." Page 14 "raise event: This command allows a client application or rule action to generate an event. The general format of the command is:" Page 15 "register for event: This operation signals the application runtime system and the Ariel servers that this application wishes to receive notification of the specified event when it is raised in the future." Page 15 "Queued transactions are provided for application environments where an immediate response to a request is not essential, and messages must be able to flow reliably between clients and servers even if client, server, or network failures occur. Queued transaction processing involves three steps, each executed as a separate transaction:" Page 18
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "Queued transactions are provided for application environments where an immediate response to a request is not essential, and messages must be able to flow reliably between clients and servers even if client, server, or network failures occur. Queued transaction processing involves three steps, each executed as a separate transaction: 1. A client enqueues a request into a recoverable input queue. 2. A version of the Ariel server called Queued Ariel dequeues the request, processes it, and enqueues a reply in a recoverable output queue. 2. The client dequeues the reply from the output sources, and processes the reply." Page 18
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take

quantity of playable media items remaining in the subscriber rental queue;	place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "As an example, consider a database application suite designed to monitor and control the flow of natural gas in a gas pipeline network…IF the flow of gas last recorded for the main pipeline is too low, the desired result might be to raise the main pump pressure by 10%." Page 16
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "OMG Object Services will include an event service where objects can register for events and raise events. Objects registered for events are to receive event notifications when the event is raised." Page 14 "In the new Ariel system, when an event is raised, a number of different mechanisms can be employed to process the event notification. The event catalog is always consulted to determine which client(s) is (are) to receive the event. The other steps taken depend on the following information:" Page 20
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alerters" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable	

media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	"As an example, consider a database application suite designed to monitor and control the flow of natural gas in a gas pipeline network…IF the flow of gas last recorded for the main pipeline is too low, the desired result might be to raise the main pump pressure by 10%." Page 16
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alerters" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote

	database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "OMG Object Services will include an event service where objects can register for events and raise events. Objects registered for events are to receive event notifications when the event is raised." Page 14 "Queued transactions are provided for application environments where an immediate response to a request is not essential, and messages must be able to flow reliably between clients and servers even if client, server, or network failures occur. Queued transaction processing involves three steps, each executed as a separate transaction:" Page 18
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "define event: This declares the existence of an event with a specific name and parameter format. The general form of the command is:" Page 14 "The handler clause specifies which clients registered for the event will receive notifications." Page 14 "raise event: This command allows a client application or rule action to generate an event. The general format of the command is:" Page 15 "register for event: This operation signals the application runtime system and the Ariel servers that this application wishes to receive notification of the specified event when it is raised in the future." Page 15 "Queued transactions are provided for application environments where an immediate response to a request is not essential, and messages must be able to flow reliably between clients and servers even if client, server, or network failures occur. Queued transaction processing involves three steps, each executed as a separate transaction:" Page 18
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send

titles in the subscriber rental queue should be altered;	electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "Queued transactions are provided for application environments where an immediate response to a request is not essential, and messages must be able to flow reliably between clients and servers even if client, server, or network failures occur. Queued transaction processing involves three steps, each executed as a separate transaction: 1. A client enqueues a request into a recoverable input queue. 2. A version of the Ariel server called Queued Ariel dequeues the request, processes it, and enqueues a reply in a recoverable output queue. 2. The client dequeues the reply from the output sources, and processes the reply." Page 18
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12 "OMG Object Services will include an event service where objects can register for events and raise events. Objects registered for events are to receive event notifications when the event is raised." Page 14 "In the new Ariel system, when an event is raised, a number of different mechanisms can be employed to process the event notification. The event catalog is always consulted to determine which client(s) is (are) to receive the event. The other steps taken depend on the following information:" Page 20
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"The primary purpose of the event notification system is to allow active database rule actions to notify running client programs when an interesting condition occurs. In an active DBMS, it is often the case that triggers are used as "alert-ers" which need to cause some action to take place in the outside world. Such actions might be to display information in a window on a workstation, send

	electronic mail to someone, do a transaction in a remote database, ring someone's pager, or activate some electro-mechanical device such as a pump." Page 12
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

BB. E-Mail Alerts Show Growing Potential (Dedman)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Dedman (February 1998) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Could you use a nudge when it's time to take your dog in for shots? Would you like a heads-up when air fares to your favorite city are low? Want a warning when you should move your car for street cleaning? Or a whisper when an apartment is for rent?" Page 1 "Free alerts by E-mail are a growing and truly useful piece of the Internet. Hundreds of services have sprung up, created by individuals, government agencies, real estate agents, law firms, advocacy groups." Page 1 "One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 "David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that

	supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2 "When the time comes for, say, shots, an E-mail will go out. If the pet were injured while traveling with the owner, the veterinarian could look up the animal's medical history on the web." Page 2
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Could you use a nudge when it's time to take your dog in for shots? Would you like a heads-up when air fares to your favorite city are low? Want a warning when you should move your car for street cleaning? Or a whisper when an apartment is for rent?" Page 1 "Free alerts by E-mail are a growing and truly useful piece of the Internet. Hundreds of services have sprung up, created by individuals, government agencies, real estate agents, law firms, advocacy groups." Page 1 "One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 "David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2 "When the time comes for, say, shots, an E-mail will go out. If the pet were injured while traveling with the owner, the veterinarian could look up the animal's medical history on the web." Page 2
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1

wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	The alert services are one-to-many communications: Subscribe and you receive messages only from the proprietor -- one a day, one a week, or one when something "significant" happens. Computer users do not have to search Web sites or keep checking back for new information. From the provider's point of view, the alerts: help build communities and customers at little expense. Page 1
c) providing a recommender system configured to provide recommendations for playable media titles;	"David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Could you use a nudge when it's time to take your dog in for shots? Would you like a heads-up when air fares to your favorite city are low? Want a warning when you should move your car for street cleaning? Or a whisper when an apartment is for rent?" Page 1 "Free alerts by E-mail are a growing and truly useful piece of the Internet. Hundreds of services have sprung up, created by individuals, government agencies, real estate agents, law firms, advocacy groups." Page 1 "One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 "David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2 "When the time comes for, say, shots, an E-mail will go out. If the pet were injured while traveling with the owner, the veterinarian could look up the animal's medical history on the web." Page 2

e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 The alert services are one-to-many communications: Subscribe and you receive messages only from the proprietor -- one a day, one a week, or one when something "significant" happens. Computer users do not have to search Web sites or keep checking back for new information. From the provider's point of view, the alerts: help build communities and customers at little expense. Page 1
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	

Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Could you use a nudge when it's time to take your dog in for shots? Would you like a heads-up when air fares to your favorite city are low? Want a warning when you should move your car for street cleaning? Or a whisper when an apartment is for rent?" Page 1 "Free alerts by E-mail are a growing and truly useful piece of the Internet. Hundreds of services have sprung up, created by individuals, government agencies, real estate agents, law firms, advocacy groups." Page 1 "One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 "David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2 "When the time comes for, say, shots, an E-mail will go out. If the pet were injured while traveling with the owner, the veterinarian could look up the animal's medical history on the web." Page 2
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Could you use a nudge when it's time to take your dog in for shots? Would you like a heads-up when air fares to your favorite city are low? Want a warning when you should move your car for street cleaning? Or a whisper

	when an apartment is for rent?" Page 1 "Free alerts by E-mail are a growing and truly useful piece of the Internet. Hundreds of services have sprung up, created by individuals, government agencies, real estate agents, law firms, advocacy groups." Page 1 "One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 "David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2 "When the time comes for, say, shots, an E-mail will go out. If the pet were injured while traveling with the owner, the veterinarian could look up the animal's medical history on the web." Page 2
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 The alert services are one-to-many communications: Subscribe and you receive messages only from the proprietor -- one a day, one a week, or one when something "significant" happens. Computer users do not have to search Web sites or keep checking back for new information. From the provider's point of view, the alerts: help build communities and customers at little expense. Page 1
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Could you use a nudge when it's time to take your dog in for shots? Would you like a heads-up when air fares to your favorite city are low? Want a warning when you should move your car for street cleaning? Or a whisper when an apartment is for rent?" Page 1 "Free alerts by E-mail are a growing and truly useful piece of the Internet. Hundreds of services have sprung

	up, created by individuals, government agencies, real estate agents, law firms, advocacy groups." Page 1 "One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 "David E. Sarna, the chairman of Objectsoft Corporation, a Hackensack, N.J., computer company, depends on E-mail alerts to find bargain air fares to Seattle, where he does business with the Microsoft Corporation." Page 2 "Finding an apartment in New York City is a little easier the NYRealty.com, a service of Real Estate On-Line that supplies free real estate listings on the Web and by E-mail. Ask for apartments in Chelsea in a certain price range, and E-mail comes when they become available." Page 2 "When the time comes for, say, shots, an E-mail will go out. If the pet were injured while traveling with the owner, the veterinarian could look up the animal's medical history on the web." Page 2
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 The alert services are one-to-many communications: Subscribe and you receive messages only from the proprietor -- one a day, one a week, or one when something "significant" happens. Computer users do not have to search Web sites or keep checking back for new information. From the provider's point of view, the alerts: help build communities and customers at little expense. Page 1
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"One of the purest noncommercial services is Remind Me. Remind Me can be set to do just that for a birthday, Valentine's Day or a dental appointment. One can choose to be reminded a week before the event (time to mail a card), a day before (time to buy the gift for an in-town friend), or the day of (time to make that phone call)." Page 1 The alert services are one-to-many communications: Subscribe and you receive messages only from the proprietor -- one a day, one a week, or one when something "significant" happens. Computer users do not

	have to search Web sites or keep checking back for new information. From the provider's point of view, the alerts: help build communities and customers at little expense. Page 1
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

CC. INCOMNET Launches New Euro-Style Prepaid Calling Card

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The publication "INCOMNET Launches New Euro-Style Prepaid Calling Card" (October 1993) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she

	wish to, using the automated 'refilling station.'" Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation	

to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'"

	Page 1
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1

	"Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"SURE$AVER has an 'instant billing' feature and an automatic 'refilling station.' The instant-billing feature tells the caller before the call is placed the length of time available based on the number dialed, and the actual cost of the call and the remaining balance on the account within seconds of a call being finished." Page 1 "Before the account balance reaches zero, the caller is informed in adequate time to complete the call and to add new minutes to the card should he or she wish to, using the automated 'refilling station.'" Page 1
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	

Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

DD. Libraries and Literacy: Libraries Consider Needs of Community (Gam)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. Gam (June 4, 1993) describes systems that were in public use on or before the priority date of the '243 patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a	

quantity of playable media items remaining in the subscriber rental queue;	
c) providing a recommender system configured to provide recommendations for playable media titles;	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until	

said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she has borrowed previously and so on." Page 1
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"Halifax has a delivery service for home-bound patrons, but has refined it – the library keeps a file on each such client and can make a selection for her, taking into account her interests, what materials she

	has borrowed previously and so on." Page 1
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

EE. Support of Intelligent Integration (Hanson II)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Hanson II (June 2000) anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1. The prototype developed as part of this project, called TriggerMan, has demonstrated the capability to process tens of thousands of rules efficiently, and

	has the potential to scale to millions. Page 1. We have also investigated the following: new, easy-to-use techniques for processing temporal triggers (triggers with conditions based on how data changes over time). . . . Page 1. Trigger features in commercial database products are quite popular with application developers since they allow integrity constraint checking, alerting, and other operations to be performed uniformly across all application. Page 4. The advent of the Internet and the World Wide Web makes it even more important that it be possible to support large numbers of triggers. Page 4. An example of a rule. . . is given below. . . . Values matching the trigger conditions are substituted into the trigger action using macro substitution. After substitution, the trigger action is evaluated. This procedure binds the rule condition to the rule actions. Page 5. An example of a more sophisticated rule (one whose condition involves joins) is as follows. . . . The raise event command used in the rule action is a special command that allows rule actions to communicate with the outside world. Page 5. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1. Given the disk and memory-based data structures just described, the steps to process a create trigger statement are: . . of the predicate. Pages 8-9. When a token is found to have matched a complete selection predicate expression that belongs to a trigger, that trigger is *pinned* in the trigger cache. . . Finally, if the trigger condition is satisfied, the trigger action is executed. Page 10. The drive program will wait for T times units if the last call to TmanTest() returns TASK_QUEUE_EMPTY. Page 11. Tasks can be one of the following: process one token to see which rules it maches, run one rule

	action, process a token against a set of conditions, process a token to run a set of rule actions triggered by that token. Page 11. Most active database systems follow the even-condition-action (ECA) model proposed for HiPAC in a straightforward way, testing the condition of every applicable trigger whenever an update occurs. Page 11. *See also*, Abstract (4); Section 4: General Trigger Condition and Structure; Section 5.1 Processing a Trigger Definition (generally describing processing with triggers); Section: Related Work (describing other systems for implementing triggers).
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1. The prototype developed as part of this project, called TriggerMan, has demonstrated the capability to process tens of thousands of rules efficiently, and has the potential to scale to millions. Page 1. We have also investigated the following: new, easy-to-use techniques for processing temporal triggers (triggers with conditions based on how data changes over time). . . . Page 1. Trigger features in commercial database products are quite popular with application developers since they allow integrity constraint checking, alerting, and other operations to be performed uniformly across all application. Page 4. The advent of the Internet and the World Wide Web makes it even more important that it be possible to support large numbers of triggers. Page 4. An example of a rule. . . is given below. . . . Values matching the trigger conditions are substituted into the trigger action using macro substitution. After substitution, the trigger action is evaluated. This procedure binds the rule condition to the rule actions. Page 5.

	An example of a more sophisticated rule (one whose condition involves joins) is as follows. . . . The raise event command used in the rule action is a special command that allows rule actions to communicate with the outside world. Page 5. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1. Given the disk and memory-based data structures just described, the steps to process a create trigger statement are: . . of the predicate. Page 8-9. When a token is found to have matched a complete selection predicate expression that belongs to a trigger, that trigger is *pinned* in the trigger cache. . . Finally, if the trigger condition is satisfied, the trigger action is executed. Page 10. The drive program will wait for T times units if the last call to TmanTest() returns TASK_QUEUE_EMPTY. Page 11. Tasks can be one of the following: process one token to see which rules it maches, run one rule action, process a token against a set of conditions, process a token to run a set of rule actions triggered by that token. Page 11. Most active database systems follow the even-condition-action (ECA) model proposed for HiPAC in a straightforward way, testing the condition of every applicable trigger whenever an update occurs. Page 11. *See also*, Abstract (4); Section 4: General Trigger Condition and Structure; Section 5.1 Processing a Trigger Definition (generally describing processing with triggers); Section: Related Work (describing other systems for implementing triggers).
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1.

	The prototype developed as part of this project, called TriggerMan, has demonstrated the capability to process tens of thousands of rules efficiently, and has the potential to scale to millions. Page 1. We have also investigated the following: new, easy-to-use techniques for processing temporal triggers (triggers with conditions based on how data changes over time). . . . Page 1. Trigger features in commercial database products are quite popular with application developers since they allow integrity constraint checking, alerting, and other operations to be performed uniformly across all application. Page 4. The advent of the Internet and the World Wide Web makes it even more important that it be possible to support large numbers of triggers. Page 4. An example of a rule. . . is given below. . . . Values matching the trigger conditions are substituted into the trigger action using macro substitution. After substitution, the trigger action is evaluated. This procedure binds the rule condition to the rule actions. Page 5. An example of a more sophisticated rule (one whose condition involves joins) is as follows. . . . The raise event command used in the rule action is a special command that allows rule actions to communicate with the outside world. Page 5. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1. Given the disk and memory-based data structures just described, the steps to process a create trigger statement are: . . of the predicate. Pages 8-9. When a token is found to have matched a complete selection predicate expression that belongs to a trigger, that trigger is *pinned* in the trigger cache. . . Finally, if the trigger condition is satisfied, the trigger action is executed. Page10. The drive program will wait for T times units if the last call to TmanTest() returns TASK_QUEUE_EMPTY. Page 11.

	Tasks can be one of the following: process one token to see which rules it maches, run one rule action, process a token against a set of conditions, process a token to run a set of rule actions triggered by that token. Page 11. Most active database systems follow the even-condition-action (ECA) model proposed for HiPAC in a straightforward way, testing the condition of every applicable trigger whenever an update occurs. Page 11. *See also*, Abstract (4); Section 4: General Trigger Condition and Structure; Section 5.1 Processing a Trigger Definition (generally describing processing with triggers); Section: Related Work (describing other systems for implementing triggers).
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	The driver program will wait for T time units if the last call to TmanTestO returns TASK_QUEUE_EMPTY. Otherwise, the driver program will immediately call TmanTestO again. Page 11.
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	

Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria

	specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1. The prototype developed as part of this project, called TriggerMan, has demonstrated the capability to process tens of thousands of rules efficiently, and has the potential to scale to millions. Page 1. We have also investigated the following: new, easy-to-use techniques for processing temporal triggers (triggers with conditions based on how data changes over time). . . . Page 1. Trigger features in commercial database products are quite popular with application developers since they allow integrity constraint checking, alerting, and other operations to be performed uniformly across all application. Page 4. The advent of the Internet and the World Wide Web makes it even more important that it be possible to support large numbers of triggers. Page 4. An example of a rule. . . is given below. . . . Values matching the trigger conditions are substituted into the trigger action using macro substitution. After substitution, the trigger action is evaluated. This procedure binds the rule condition to the rule actions. Page 5. An example of a more sophisticated rule (one whose condition involves joins) is as follows. . . . The raise event command used in the rule action is a special command that allows rule actions to communicate with the outside world. Page 5. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1. Given the disk and memory-based data structures just described, the steps to process a create trigger statement are: . . of the predicate. Pages 8-9. When a token is found to have matched a complete selection predicate expression that belongs to a trigger, that trigger is *pinned* in the trigger cache. . . Finally, if the trigger condition is satisfied, the

	trigger action is executed. Page 10. The drive program will wait for T times units if the last call to TmanTest() returns TASK_QUEUE_EMPTY. Page 11. Tasks can be one of the following: process one token to see which rules it maches, run one rule action, process a token against a set of conditions, process a token to run a set of rule actions triggered by that token. Page 11. Most active database systems follow the even-condition-action (ECA) model proposed for HiPAC in a straightforward way, testing the condition of every applicable trigger whenever an update occurs. Page 11. *See also*, Abstract (4); Section 4: General Trigger Condition and Structure; Section 5.1 Processing a Trigger Definition (generally describing processing with triggers); Section: Related Work (describing other systems for implementing triggers).
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	A scalable, asynchronous trigger processor enhaves existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1. The prototype developed as part of this project, called TriggerMan, has demonstrated the capability to process tens of thousands of rules efficiently, and has the potential to scale to millions. Page 1. We have also investigated the following: new, easy-to-use techniques for processing temporal triggers (triggers with conditions based on how data changes over time). . . . Page 1. Trigger features in commercial database products are quite popular with application developers since they allow integrity constraint checking, alerting, and other operations to be performed uniformly across all application. Page 4. The advent of the Internet and the World Wide Web makes it even more important that it be possible to support large numbers of triggers. Page 4.

	An example of a rule. . . is given below. . . . Values matching the trigger conditions are substituted into the trigger action using macro substitution. After substitution, the trigger action is evaluated. This procedure binds the rule condition to the rule actions. Page 5. An example of a more sophisticated rule (one whose condition involves joins) is as follows. . . . The raise event command used in the rule action is a special command that allows rule actions to communicate with the outside world. Page 5. As Figure 1 shows, data source programs or triggers can place update descriptors in a table acting as a queue. This works in the current implementation. Page 6 and Fig. 1. Given the disk and memory-based data structures just described, the steps to process a create trigger statement are: . . of the predicate. Pages 8-9. When a token is found to have matched a complete selection predicate expression that belongs to a trigger, that trigger is *pinned* in the trigger cache. . . Finally, if the trigger condition is satisfied, the trigger action is executed. Page 10. The drive program will wait for T times units if the last call to TmanTest() returns TASK_QUEUE_EMPTY. Page 11. Tasks can be one of the following: process one token to see which rules it matches, run one rule action, process a token against a set of conditions, process a token to run a set of rule actions triggered by that token. Page 11. Most active database systems follow the even-condition-action (ECA) model proposed for HiPAC in a straightforward way, testing the condition of every applicable trigger whenever an update occurs. Page 11. *See also*, Abstract (4); Section 4: General Trigger Condition and Structure; Section 5.1 Processing a Trigger Definition (generally describing processing with triggers); Section: Related Work (describing other systems for implementing triggers).
c) sending an electronic notification to the	A scalable, asynchronous trigger processor enhaves

subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	existing database management systems and other information sources with the ability to trigger actions when new information meets criteria specified in rule conditions. Rule actions can update the database, call database procedures, or send alerts to people or running application programs. Page 1.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

FF. U.S. Provisional App. 60/212,193 (Hastings II)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Hastings II, filed June 16, 2000, and publicly accessible on the United States Patent and Trademark Office website, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: The invention is a system to predict users' likely enjoyment of an item (such as a movie, game, or any other rentable item) based upon matching that user with other users who have previously expressed their taste for a range of similar and dissimilar items. Each user establishes an identity with the system and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring users ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2

	Our business is a movie rental business. Customers choose DVD movies at an electronic commerce web site. Movies are stored at a central warehouse, and are shipped by US mail anywhere in the US. Page 2 We use knowledge of the tastes of our users to help recommend movie titles to individuals that best match their personal tastes. This benefits users by helping them find movies to enjoy, and it aids our business by encouraging movie-watching behavior. We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. We use this system explicitly on certain pages of the website, where the customer is aware that the movies presented are chosen based upon their input ratings, and also implicitly on other pages of the website where the system is used to refine choices a human editor has already made in creating a feature display, so that the feature display can be personalized or tailored to individual users to maximize user enjoyment and vendor benefit. Page 2 If a customer has already ordered or queued up particular titles for future delivery, these too can be excluded at this stage. Page 13
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: Each user establishes an identity with the system, and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring user's ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2 We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2 We use this system explicitly on certain pages of the website, where the customer is aware that the movies presented are chosen based upon their

	input ratings, and also implicitly on other pages of the website where the system is used to refine choices a human editor has already made in creating a feature display, so that the feature display can be personalized or tailored to individual users to maximize user enjoyment and vendor benefit. Page 2 This system requires that we collect, at our store website, our customers' rating on the movies they have seen. Collection must be as efficient as possible, so that we collect the largest number of accurate ratings as possible. Page 2. Since the quality of the predictions we make depends directly upon choosing the best matching neighboring users, it is important to collect ratings from as many users as possible in order to have the best possible selection of other users from which to choose neighbors. Page 3. When a new user visits site 1 and creates a new account, he is invited to offer ratings on items he knows. The ratings are collected by the webserver. Page 5.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: Each user establishes an identity with the system, and records their (numeric) rating for a number of items. Page 2. Our business is a movie rental business. Customers choose DVD movies at an electronic commerce web site. Movies are stored at a central warehouse, and are shipped by US mail anywhere in the US. Page 2. Each user establishes an identity with the system, and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring user's ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the

	target user has not rated. Page 2. We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2. We use this system explicitly on certain pages of the website, where the customer is aware that the movies presented are chosen based upon their input ratings, and also implicitly on other pages of the website where the system is used to refine choices a human editor has already made in creating a feature display, so that the feature display can be personalized or tailored to individual users to maximize user enjoyment and vendor benefit. Page 2. This system requires that we collect, at our store website, our customers' rating on the movies they have seen. Collection must be as efficient as possible, so that we collect the largest number of accurate ratings as possible. Page 2. Movies for this ["best bets"] page are also selected using inventory levels, so that the titles recommended to a particular customer are selected from those with the highest rating, for which we also have stock that we can ship the titles immediately. Page 3. Since the quality of the predictions we make depends directly upon choosing the best matching neighboring users, it is important to collect ratings from as many users as possible in order to have the best possible selection of other users from which to choose neighbors. Page 3. When a new user visits site 1 and creates a new account, he is invited to offer ratings on items he knows. The ratings are collected by the webserver. Page 5. We use a row of stars as the representation of the ratings for a movie. . . on a specific movie. Page 8. This invention is a process for managing different presentations of product for each visitor to a store with a view to managing inventory effectively. Page 10 (*see also* Figure and remainder of Section 6).

	Starting from the catalog of all DVD movies available, a filter picks the movies chosen by the store editorial staff as being the movies with great sound. This is done by associating a context keyword ("great_sound") against the catalog entry in the movie content database. The filter picks out all titles from the catalog with that associated key word. The next filter eliminates (or equivalently, strongly downgrades in priority) all titles where there is not a minimum level of stock. If there are zero copies in inventory, there is no point in using valuable store space to present it to a potential customer. The third filter eliminates titles known to have been previously rented or viewed by the particular customer. For a new visitor with no known history, this filter is null, of course. Customers wishing to rent a title a second time can still find it by searching, or by reviewing their previous rental history. Page 12 The fifth filter step examines days' supply outstanding for each title. . . 2,000 copies in the inventory. Page 13.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2. Movies for this ["best bets"] page are also selected using inventory levels, so that the titles recommended to a particular customer are selected from those with the highest rating, for which we also have stock that we can ship the titles immediately. Page 3. When determining which movies to show to a user, the website software can take into account not only the predicted ratings for the movies to be shown, but also other factors, such as the available inventory. . . and any other factors that may affect the customer's overall enjoyment of our service. Page 3. The next filter eliminates (or equivalently, strongly downgrades in priority) all titles where there is not a minimum level of stock. If there are zero copies in inventory, there is no point in using valuable store

	space to present it to a potential customer. Page 12.
c) providing a recommender system configured to provide recommendations for playable media titles;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: The invention is a system to predict users' likely enjoyment of an item (such as a movie, game, or any other rentable item) based upon matching that user with other users who have previously expressed their taste for a range of similar and dissimilar items. Page 2. Each user establishes an identity with the system, and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring user's ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2. We use knowledge of the tastes of our users to help recommend movie titles to individuals that best match their personal tastes. This benefits users by helping them find movies to enjoy, and it aids our business by encouraging movie-watching behavior. Page 2. We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2. Once the ratings are collected for a body of users, the system is used to predict how well a particular user will enjoy any other title they have not selected. This is used to show a personal, individualized predicted rating ("prediction") for every movie featured on the website. Page 2. Movies for this ["best bets"]page are also selected using inventory levels, so that the titles recommended to a particular customer are selected from those with the highest rating, for which we also have stock that we can ship the titles immediately. Page 3.

	When determining which movies to show to a user, the website software can take into account not only the predicted ratings for the movies to be shown, but also other factors, such as the available inventory. . . and any other factors that may affect the customer's overall enjoyment of our service. Page 3. Selection of different items to display based upon inventory and other factors, in conjunction with the predicted ratings of the items. Page 3. The process of predicting how much a target user will enjoy a particular item includes (a) determining bow similar the target user's tastes are to each other user in the database and computing a similarity weight; (b) choosing a set of representative neighboring users who are similar to the target user and who span enough items to make useful predictions; (c) multiplying how the neighboring users liked the item to be predicted by the similarity weights for the target user, summing and normalizing to get a prediction. Page 4. When a user returns to site 1, his rating record and similarity weights are immediately fetched from the database. Predictions can be made by applying calculation (c) between the target customer and the pre-loaded pool of representative neighbors. Page 5. The fourth step is the recommendation engine. This matches the known ratings of the current visitor against a large database of other visitors, and ranks titles by expected appeal to the target visitor, taking into account the confidence of the predictions from the engine. This step does not eliminate any titles, it simply brings to the top the list of titles that are expected to be most appealing. For a new visitor with no ratings in the database against which to match his tastes, this filter simply ranks the titles by average ratings across the whole population of customers who have rated each title in the filter list. Page 13.
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: Movies for this ["best bets"]page are also selected using inventory levels, so that the titles recommended to a particular customer are selected

	from those with the highest rating, for which we also have stock that we can ship the titles immediately. Page 3. The web-site has a number of other top-level pages that feature small collections or groups of movies which match some editorial theme [face pages]. . . We can use the ratings database to predict how much a user will enjoy each movies within a collection. For a collection that will be displayed, the editors prepare a list of perhaps two or three times as many movies as there is room to display on the web page. Each user is then presented with a personalized version of the face page that sorts from the available list and picks the top movies that will appeal to that specific user. Page 3. An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: We use knowledge of the tastes of our users to help recommend movie titles to individuals that best match their personal tastes. This benefits users by helping them find movies to enjoy, and it aids our business by encouraging movie-watching behavior. Page 2. We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2. When determining which movies to show to a user, the website software can take into account not only the predicted ratings for the movies to be shown, but also other factors, such as the available inventory. . . and any other factors that may affect the customer's overall enjoyment of our service. Page 3. Movies for this ["best bets"] page are also selected using inventory levels, so that the titles recommended to a particular customer are selected from those with the highest rating, for which we

	also have stock that we can ship the titles immediately. Page 3. The web-site has a number of other top-level pages that feature small collections or groups of movies which match some editorial theme [face pages]. . . We can use the ratings database to predict how much a user will enjoy each movies within a collection. For a collection that will be displayed, the editors prepare a list of perhaps two or three times as many movies as there is room to display on the web page. Each user is then presented with a personalized version of the face page that sorts from the available list and picks the top movies that will appeal to that specific user. Page 3. A novel user-interface implementation facilitating collection of ratings from the user, and simultaneously displaying predictions to the user for the same item. Page 3. Selection of different items to display based upon inventory and other factors, in conjunction with the predicted ratings of the items. Page 3. When a user returns to site 1, his rating record and similarity weights are immediately fetched from the database. Predictions can be made by applying calculation (c) between the target customer and the pre-loaded pool of representative neighbors. Page 5. We use a row of stars as the representation of the ratings for a movie. Page 8. When the user finally clicks on a star, the JavaScript redisplays the stars image displaying the users input, and revises the adjacent words to show an input accepted. Also, the web browser sends the input rating to the web server (by posting a form) and waits for a response. Page 9 (*see also*, remainder of Section 5.) An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
f) adding a playable media title recommendation to said subscriber rental queue in response to	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step

subscriber input to said recommender system.	is construed broadly enough to encompass Netflix's current system: Each user establishes an identity with the system, and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring user's ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2. An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: The next filter eliminates (or equivalently, strongly downgrades in priority) all titles where there is not a minimum level of stock. If there are zero copies in inventory, there is no point in using valuable store space to present it to a potential customer. Page 12.
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: This last filter step also acts as a governor on new-release promotion. For the first few weeks of a new

	title's release, natural demand, un-augmented by featured presentations of the title on face pages, drives high average run rates. At the same time, the number of copies on hand is currently low, as the proper number are purchased incrementally to respond to the actual demand. As the newness of the title fades, the demand from customers actively seeking out the title fades, and the DSO number climbs rapidly, elevating the priority of the title. Page 13. An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.

	We use a row of stars as the representation of the ratings for a movie. Page 8. (*see also*, remainder of Section 5.) When the user finally clicks on a star, the JavaScript redisplays the stars image displaying the users input, and revises the adjacent words to show an input accepted. Also, the web browser sends the input rating to the web server (by posting a form) and waits for a response. Page 9.

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: The invention is a system to predict users' likely enjoyment of an item (such as a movie, game, or any other rentable item) based upon matching that user with other users who have previously expressed their taste for a range of similar and dissimilar items. Each user establishes an identity with the system and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring users ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2 Our business is a movie rental business. Customers choose DVD movies at an electronic commerce web site. Movies are stored at a central warehouse, and are shipped by US mail anywhere in the US. Page 2. If a customer has already ordered or queued up particular titles for future delivery, these too can be excluded at this stage. Page 13.
a) defining a set of notification rules for the subscriber rental queue, which notification rules	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step

are authorized by the subscriber;	is construed broadly enough to encompass Netflix's current system: Each user establishes an identity with the system, and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring user's ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2 We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2 We use this system explicitly on certain pages of the website, where the customer is aware that the movies presented are chosen based upon their input ratings, and also implicitly on other pages of the website where the system is used to refine choices a human editor has already made in creating a feature display, so that the feature display can be personalized or tailored to individual users to maximize user enjoyment and vendor benefit. Page 2 This system requires that we collect, at our store website, our customers' rating on the movies they have seen. Collection must be as efficient as possible, so that we collect the largest number of accurate ratings as possible. Page 2. Since the quality of the predictions we make depends directly upon choosing the best matching neighboring users, it is important to collect ratings from as many users as possible in order to have the best possible selection of other users from which to choose neighbors. Page 3. When a new user visits site 1 and creates a new account, he is invited to offer ratings on items he knows. The ratings are collected by the webserver. Page 5.
b) monitoring the subscriber rental queue with a computer in accordance with said set of	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step

notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	is construed broadly enough to encompass Netflix's current system: Each user establishes an identity with the system, and records their (numeric) rating for a number of items. Page 2. Our business is a movie rental business. Customers choose DVD movies at an electronic commerce web site. Movies are stored at a central warehouse, and are shipped by US mail anywhere in the US. Page 2. Each user establishes an identity with the system, and records their (numeric) rating for a number of items. These ratings are stored in a database. When a prediction is required for one of those users (the target users), the system finds other users who have provided ratings for an overlapping set of items as the target user, and who have expressed similar ratings for those items as the target user. Using these neighboring user's ratings, the system calculates an aggregate of the ratings from the other users as a prediction for the target user for an item that the target user has not rated. Page 2. We also use inventory levels and other cost metrics in conjunction with predicted enjoyment to help determine what items to recommend that may be fulfilled quickly and cheaply. Page 2. We use this system explicitly on certain pages of the website, where the customer is aware that the movies presented are chosen based upon their input ratings, and also implicitly on other pages of the website where the system is used to refine choices a human editor has already made in creating a feature display, so that the feature display can be personalized or tailored to individual users to maximize user enjoyment and vendor benefit. Page 2. This system requires that we collect, at our store website, our customers' rating on the movies they have seen. Collection must be as efficient as possible, so that we collect the largest number of accurate ratings as possible. Page 2. Movies for this ["best bets"] page are also selected using inventory levels, so that the titles recommended to a particular customer are selected from those with the highest rating, for which we

	also have stock that we can ship the titles immediately. Page 3. Since the quality of the predictions we make depends directly upon choosing the best matching neighboring users, it is important to collect ratings from as many users as possible in order to have the best possible selection of other users from which to choose neighbors. Page 3. When a new user visits site 1 and creates a new account, he is invited to offer ratings on items he knows. The ratings are collected by the webserver. Page 5. We use a row of stars as the representation of the ratings for a movie. . . on a specific movie. Page 8. This invention is a process for managing different presentations of product for each visitor to a store with a view to managing inventory effectively. Page 10 (*see also* Figure and remainder of Section 6). Starting from the catalog of all DVD movies available, a filter picks the movies chosen by the store editorial staff as being the movies with great sound. This is done by associating a context keyword ("great_sound") against the catalog entry in the movie content database. The filter picks out all titles from the catalog with that associated key word. The next filter eliminates (or equivalently, strongly downgrades in priority) all titles where there is not a minimum level of stock. If there are zero copies in inventory, there is no point in using valuable store space to present it to a potential customer. The third filter eliminates titles known to have been previously rented or viewed by the particular customer. For a new visitor with no known history, this filter is null, of course. Customers wishing to rent a title a second time can still find it by searching, or by reviewing their previous rental history. Page 12 The fifth filter step examines days' supply outstanding for each title. . . 2,000 copies in the inventory. Page 13.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system:

notification rules;	Movies for this ["best bets"] page are also selected using inventory levels, so that the titles recommended to a particular customer are selected from those with the highest rating, for which we also have stock that we can ship the titles immediately. Page 3. The web-site has a number of other top-level pages that feature small collections or groups of movies which match some editorial theme [face pages]. . . We can use the ratings database to predict how much a user will enjoy each movies within a collection. For a collection that will be displayed, the editors prepare a list of perhaps two or three times as many movies as there is room to display on the web page. Each user is then presented with a personalized version of the face page that sorts from the available list and picks the top movies that will appeal to that specific user. Page 3. An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system:

	An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14.
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	Based on Netflix's understanding of Media Queue's infringement contentions, and assuming that the step is construed broadly enough to encompass Netflix's current system: An alternative application domain related to direct marketing: one-to-one outbound advertising carried by electronic mail, or physical mail, where each piece is tailored to the specific recipient based upon his tastes and available inventory. Page 14. We use a row of stars as the representation of the ratings for a movie. Page 8. (*see also*, remainder of Section 5.) When the user finally clicks on a star, the JavaScript redisplays the stars image displaying the users input, and revises the adjacent words to show an input accepted. Also, the web browser sends the input rating to the web server (by posting a form) and waits for a response. Page 9.

GG. International Patent App. WO 2001/046930 (Young)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Young, filed on December 12, 2000 and published on June 28, 2001, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Many types of products are distributed to consumers on a rental basis. In particular, the popularity of renting media-based products, such as digital video disc (DVD) movies, video tapes, compact discs (CDs), software media, and so forth, continues to grow at a rapid pace." 2:9-13. "Certain Internet-based companies allow a consumer to rent or buy media products on-line. Some of these companies offer services similar to book-of-the-month clubs in which a media product is periodically sent to a consumer on approval." 1:18-21 "The vending machine 118 can contain a selection of products the consumer 116 may be interested in either purchasing or renting. These can include, but are not limited to, DVD movies, audio CDs, software media, game media, videotapes, and so forth." 4:28- 5:1 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can

	be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3 "The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be temporarily shut down, or otherwise is low on products and in need of refilling." 16:10-16
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3 "The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be

	temporarily shut down, or otherwise is low on products and in need of refilling." 16:10-16
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3 "The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be temporarily shut down, or otherwise is low on products and in need of refilling." 16:10-16
c) providing a recommender system configured to provide recommendations for playable media titles;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128. Such changes can be based on any number of factors, such as consumer demand, a change or update to the titles being offered, and so forth." 9:24-28
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	The vending machine 118 can contain a selection of products the consumer 116 may be interested in either purchasing or renting. These can include, but are not limited to, DVD movies, audio, CDs, software media, game media, videotapes, and so forth. Each product 120 can be labeled with both a purchase price and a rental price.. 4:27-5:4.
f) adding a playable media title recommendation to said subscriber rental queue in response to	The vending machine 118 can contain a selection of products the consumer 116 may be interested in

subscriber input to said recommender system.	either purchasing or renting. These can include, but are not limited to, DVD movies, audio, CDs, software media, game media, videotapes, and so forth. Each product 120 can be labeled with both a purchase price and a rental price.. 4:27-5:4.
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be temporarily shut down, or otherwise is low on products and in need of refilling." 16:10-16
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the

queue to contain a quantity of playable media items exceeding a specified threshold.	vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." Page 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." Page 9:29-Page 10:3 "The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be temporarily shut down, or otherwise is low on products and in need of refilling." 16:10-16
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Many types of products are distributed to consumers on a rental basis. In particular, the popularity of renting media-based products, such as digital video disc (DVD) movies, video tapes, compact discs (CDs), software media, and so forth, continues to grow at a rapid pace. 2:9-13. "Certain Internet-based companies allow a consumer to rent or buy media products on-line. Some of these companies offer services similar to book-of-the-month clubs in which a media product is periodically sent to a consumer on approval." 1:18-21

	"The vending machine 118 can contain a selection of products the consumer 116 may be interested in either purchasing or renting. These can include, but are not limited to, DVD movies, audio CDs, software media, game media, videotapes, and so forth." 4:28- 5:1 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3 "The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be temporarily shut down, or otherwise is low on products and in need of refilling." 16:10-16
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3

	"The system controller 416 can further be coupled to various sensing devices, to monitor certain variables, process the variables, and output control signals to control devices to take necessary actions when the variable levels exceed or drop below selected or predetermined value. In one embodiment, total product weight is monitored. In this way, it can be determined if the vending machine 118 is overloaded and needs to be temporarily shut down, or otherwise is low on products and in need of refilling." Page 16:10-16
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29-10:3
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"The service agent 134 also periodically receives instructions from the return center 128 with information as to what products to remove from the vending machine118, what products to place in the vending machine 118, and what products to return to the return center 128." 9:24-27 "Additionally, if the vending machine 118 needs supplies, such as ink, mailers, etc., instructions can be issued on these items as well…The instructions can be in the form of e-mail or via any other known means of communications." 9:29- 10:3
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	"If the rental option has been selected, a charge against the credit card or debit card can be scheduled 228 for the difference between the purchase and rental price at a fixed date in the future. A receipt can be dispensed 230 reflecting the amount charged to the credit or debit card. The receipt can also contain information as to the additional amount which will be charged to the card if the

	product is not returned." 12:20-25
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

HH. International Patent App. WO 2001/060063 (Lee)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Lee, filed on January 15, 2001 and published on August 16, 2001, anticipates the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	The television program recommender 160 generates the program recommendations 180 by applying the agent profile 140 generated during the training phase to the test data 150 from an electronic program guide (EPG). 6:2-4.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	A viewing agent is programmed with a set of rules that characterize the viewing preferences of a modeled viewer. During a training phase, the programmed rules of a viewing agent are applied to a set of training programs g to obtain an agent viewing history. The generated agent viewing history is processed by a profiler to derive an agent profile containing a set of inferred rules. During an evaluation phase, the programmed rules of the viewing agent are applied to test programs to obtain an agent evaluation viewing set. Page 1.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles	The television program recommender validator 200 then compares the agent evaluation viewing set 170 with a set of program recommendations 180 produced by the television program recommender 160 being evaluated. 5:30-6:2.

and/or ordering of playable media titles in the subscriber rental queue should be altered;	
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	
c) providing a recommender system configured to provide recommendations for playable media titles;	"The Tivo™ system, for example, commercially available from Tivo Inc., of Sunnyvale, California, allows viewers to rate shows using a "Thumbs Up and Thumbs Down" feature and thereby indicate programs that the viewer likes and dislikes, respectively. Thereafter, the TiVo receiver matches the recorded viewer preferences with received program data, such as an EPG, to make recommendations tailored to each viewer." 1:29-2:4 "The television program recommender 160 generates the program recommendations 180 by applying the agent profile 140 generated during the training phase to the test data 150 from an electronic program guide (EPG)." 6:2-4 "A method for validating program recommendations (180) produced by a program recommender (16), comprising the steps of: …generating said program recommendations (180) produced by said program recommender (16) by applying said agent profile (140) to said test programs (150)…" Claim 1
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"generate said program recommendations (180) produced by said program recommender (160) by applying said agent profile (140) to said test programs (150); and compare said agent evaluation viewing set (170) with said program recommendations (180)" *Id* at 12:25-30.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"The Tivo™ system, for example, commercially available from Tivo Inc., of Sunnyvale, California, allows viewers to rate shows using a "Thumbs Up and Thumbs Down" feature and thereby indicate programs that the viewer likes and dislikes, respectively. Thereafter, the TiVo receiver matches the recorded viewer preferences with received program data, such as an EPG, to make recommendations tailored to each viewer." 1:29-2:4
f) adding a playable media title recommendation to said subscriber rental queue in response to	

subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the	The television program recommender 160 generates the program recommendations 180 by applying the agent profile 140 generated

subscriber, including the steps of:	during the training phase to the test data 150 from an electronic program guide (EPG). Lee at 6:2-4.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	A viewing agent is programmed with a set of rules that characterize the viewing preferences of a modeled viewer. During a training phase, the programmed rules of a viewing agent are applied to a set of training programs g to obtain an agent viewing history. The generated agent viewing history is processed by a profiler to derive an agent profile containing a set of inferred rules. During an evaluation phase, the programmed rules of the viewing agent are applied to test programs to obtain an agent evaluation viewing set. 1.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	The television program recommender validator 200 then compares the agent evaluation viewing set 170 with a set of program recommendations 180 produced by the television program recommender 160 being evaluated. 5:30-6:2.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"The Tivo™ system, for example, commercially available from Tivo Inc., of Sunnyvale, California, allows viewers to rate shows using a "Thumbs Up and Thumbs Down" feature and thereby indicate programs that the viewer likes and dislikes, respectively. Thereafter, the TiVo receiver matches the recorded viewer preferences with received program data, such as an EPG, to make recommendations tailored to each viewer." 1:29-2:4 "The television program recommender 160 generates the program recommendations 180 by applying the agent profile 140 generated during the training phase to the test data 150 from an electronic program guide (EPG)." Page 6:2-4 "A method for validating program recommendations (180) produced by a program recommender (16), comprising the steps of: …generating said program recommendations (180) produced by said program recommender (16) by applying said agent profile (140) to said test programs (150)…" Claim 1
further comprising said subscriber accepting	recommendations (180)" *Id* at 12:25-30.

and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	"The Tivo™ system, for example, commercially available from Tivo Inc., of Sunnyvale, California, allows viewers to rate shows using a "Thumbs Up and Thumbs Down" feature and thereby indicate programs that the viewer likes and dislikes, respectively. Thereafter, the TiVo receiver matches the recorded viewer preferences with received program data, such as an EPG, to make recommendations tailored to each viewer." 1:29-2:4
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

II. Siebel 7.5 Integration BMC Software PATROL for Siebel eBusiness Applications 3.0

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, the Siebel Reference and the systems it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Administrators can also alert entire Siebel user community or selected group of Siebel users by broadcasting a customized message, thus enabling the administrators to keep Siebel users informed in timely manor, minimizing support." Page 1.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Allows administrators to quickly identify bottle-necks and other problems and proactively resolve them before end users are affected" Page 1.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"FEATURES: Ability to monitor a number of running tasks, and automatically restart tasks when the number of running tasks drop below the minimum." Page 1. "Monitors connectivity to database, connected sessions and growth of critical tables" Page 1.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Administrators can also alert entire Siebel user community or selected group of Siebel users by broadcasting a customized message, thus enabling the administrators to keep Siebel users informed in timely manor, minimizing support." Page 1. "automatic DB re-extraction and optional email

	notification" Page 1.
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Administrators can also alert entire Siebel user community or selected group of Siebel users by broadcasting a customized message, thus enabling the administrators to keep Siebel users informed in timely manor, minimizing support." Page 1. "automatic DB re-extraction and optional email notification" Page 1.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	"FEATURES: Ability to monitor a number of running tasks, and automatically restart tasks when the number of running tasks drop below the minimum." Page 1.
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media	

items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Administrators can also alert entire Siebel user community or selected group of Siebel users by broadcasting a customized message, thus enabling the administrators to keep Siebel users informed in timely manor, minimizing support." Page 1.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"Allows administrators to quickly identify bottle-necks and other problems and proactively resolve them before end users are affected" Page 1.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"FEATURES: Ability to monitor a number of running tasks, and automatically restart tasks when the number of running tasks drop below the minimum." Page 1. "Monitors connectivity to database, connected sessions and growth of critical tables" Page 1.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"Administrators can also alert entire Siebel user community or selected group of Siebel users by broadcasting a customized message, thus enabling the administrators to keep Siebel users informed in timely manor, minimizing support." Page 1. "automatic DB re-extraction and optional email notification" Page 1.
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further	

including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

JJ. U.S. Patent 5,699,526 (Siefert)

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. As detailed in the accompanying Invalidity Contentions, Siefert anticipates the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior-Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The present invention discloses a system for managing resources, comprised of multiple servers and one or more PCs coupled to the servers. The servers are grouped into local servers and regional servers, wherein each of the local servers stores resources, and each of the regional servers stores profiles of the resources. The profiles contain descriptive information about the resources stored on the local servers. The local and regional servers are linked together so that profiles and resources can electronically transferred therebetween. A PC coupled to server can view profiles stored in the regional servers, and then electronically order delivery of any resource described in a profile viewed by the PC." 2:55-67. "The CLS makes available to a user all of the types of materials (books, newspapers, microfilm, video tapes, etc.) which an ordinary library makes available to a user. (In addition, as discussed above, the CLS makes available the PHYSICAL OBJECTs shown in FIG. 1B)." 7:66- 8:3 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs

	the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine PROFILEs were found which match the standing search, or INTEREST." 19:1-7
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The CLS, automatically, searches each new PROFILE, at the times specified by the user when the INTEREST was created, according to the search criteria established by the INTEREST. During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating "9 notifications," meaning that nine PROFILEs were found which match the standing search, or INTEREST." 18:64- 19:7.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The network of connected SERVERs (ie, REPOSITORIES) shown in FIG. 1C is expected to continually expand into a larger network, containing ever-increasing SERVERs. The users can issue standing search orders which continually search the ever-increasing collection of RESOURCEs." 7:58-60 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62

	"SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "The CLS, automatically, searches each new PROFILE, at the times specified by the user when the INTEREST was created, according to the search criteria established by the INTEREST." 18:64-66
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"If the RESOURCE takes the form of down-loadable data, then the RESOURCE is downloaded in the usual manner. However, in the case of video MEDIA, the REPOSITORY holding the RESOURCE may not possess equipment capable of downloading the video by a data link to the user. (That is, the MEDIA may take the form of a videocassette tape. Data stored on such tape can be analog data, rather than digital data. Analog data is not directly downloadable.) In this case, the CLS informs the user of the inability to download, and inquires whether the user wishes to request that the RESOURCE be physically delivered to the user. If so, the CLS notifies the REPOSITORY holding the RESOURCE of the user's request. This notification takes the form of a message sent to the ADMINISTRATOR of the REPOSITORY in question, using the CLS. Alternately, the notification can take the form of the CLS sending a message by a commercially available electronic mail service. Sometimes, for added reliability, both types of notification can be undertaken." 14:46-65.
c) providing a recommender system configured to provide recommendations for playable media titles;	"The CLS makes available to a user all of the types of materials (books, newspapers, microfilm, video tapes, etc.) which an ordinary library makes available to a user. (In addition, as discussed above, the CLS makes available the PHYSICAL OBJECTs shown in FIG. 1B)." 7:66- 8:3 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option

	allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine PROFILEs were found which match the standing search, or INTEREST." 19:1-7
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "If the RESOURCE takes the form of down-loadable data, then the RESOURCE is downloaded in the usual manner. However, in the case of video MEDIA, the REPOSITORY holding the RESOURCE may not possess equipment capable of downloading the video by a data link to the user. (That is, the MEDIA may take the form of a videocassette tape. Data stored on such tape can be analog data, rather than digital data. Analog data is not directly downloadable.) In this case, the CLS informs the user of the inability to download, and inquires whether the user wishes to request that the RESOURCE be physically delivered to the user. If so, the CLS notifies the REPOSITORY holding the RESOURCE of the user's request. This notification takes the form of a message sent to the

	ADMINISTRATOR of the REPOSITORY in question, using the CLS. Alternately, the notification can take the form of the CLS sending a message by a commercially available electronic mail service. Sometimes, for added reliability, both types of notification can be undertaken." 14:46-65 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine PROFILEs were found which match the standing search, or INTEREST." 19:1-7
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	"Assume that the user wishes to obtain item number 7 in FIG. 11. The user highlights this item, using a mouse (or keyboard, or other actuation device, such as a voice sensor), causing the display to appear as in FIG. 12. Then, the user actuates the button labeled "RETRIEVE," causing the display to take the appearance shown in FIG. 13. The icon bearing the subtitle "CLS Download," located at the bottom of the Figure, indicates that a down-loading operation is taking place." 11:22-30 "The user can view the search results, as shown in FIG. 62, by actuating the button at the lower left, associated with the phrase "10 notifications." The search results are then displayed, as shown in FIG. 62." 19:8-11
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	"Assume that the user wishes to obtain item number 7 in FIG. 11. The user highlights this item, using a mouse (or keyboard, or other actuation device, such as a voice sensor), causing the display to appear as in FIG. 12. Then, the user actuates the button labeled "RETRIEVE," causing the display to take the appearance shown in FIG. 13. The icon bearing the subtitle "CLS Download," located at the bottom of the Figure, indicates that a down-loading operation is taking place." 11:22-30 "The user can view the search results, as shown in FIG. 62, by actuating the button at the lower left, associated with the phrase "10 notifications." The search results are then displayed, as shown in FIG. 62." 19:8-11

Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	"The CLS makes available to a user all of the types of materials (books, newspapers, microfilm, video tapes, etc.) which an ordinary library makes available to a user. (In addition, as discussed above, the CLS makes available the PHYSICAL OBJECTs shown in FIG. 1B)." 7:66- 8:3 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine PROFILEs were found which match the standing search, or INTEREST." 19:1-7
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based	"The CLS makes available to a user all of the types of materials (books, newspapers, microfilm, video tapes, etc.) which an ordinary library makes

on genre selections made by said subscriber.	available to a user. (In addition, as discussed above, the CLS makes available the PHYSICAL OBJECTs shown in FIG. 1B)." 7:66- 8:3 "As still another analogy, an actual library categorizes the books according to subjects, in at least two different ways. One, the card catalog contains cards, in alphabetical order, for various subjects. Two, the Dewey Decimal System places books on similar topics at physically neighboring places." 8:33-39 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine PROFILEs were found which match the standing search, or INTEREST." 19:1-7.
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic	"Assume that the user wishes to obtain item number 7 in FIG. 11. The user highlights this item, using a mouse (or keyboard, or other actuation device, such

response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	as a voice sensor), causing the display to appear as in FIG. 12. Then, the user actuates the button labeled "RETRIEVE," causing the display to take the appearance shown in FIG. 13. The icon bearing the subtitle "CLS Download," located at the bottom of the Figure, indicates that a down-loading operation is taking place." 11:22-30 "The user can view the search results, as shown in FIG. 62, by actuating the button at the lower left, associated with the phrase "10 notifications." The search results are then displayed, as shown in FIG. 62." 19:8-11

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"The CLS makes available to a user all of the types of materials (books, newspapers, microfilm, video tapes, etc.) which an ordinary library makes available to a user. (In addition, as discussed above, the CLS makes available the PHYSICAL OBJECTs shown in FIG. 1B)." 7:66- 8:3 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine

	PROFILEs were found which match the standing search, or INTEREST." 19:1-7
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"The CLS, automatically, searches each new PROFILE, at the times specified by the user when the INTEREST was created, according to the search criteria established by the INTEREST. During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating "9 notifications," meaning that nine PROFILEs were found which match the standing search, or INTEREST." 18:64- 19:7.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"The network of connected SERVERs (ie, REPOSITORIES) shown in FIG. 1C is expected to continually expand into a larger network, containing ever-increasing SERVERs. The users can issue standing search orders which continually search the ever-increasing collection of RESOURCEs." 7:58-60 "The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "If the RESOURCE takes the form of down-loadable data, then the RESOURCE is downloaded in the usual manner. However, in the case of video MEDIA, the REPOSITORY holding the RESOURCE may not possess equipment capable of downloading the video by a data link to the user. (That is, the MEDIA may take the form of a videocassette tape. Data stored on such tape can be analog data, rather than digital data. Analog data is not directly downloadable.) In this case, the CLS informs the user of the inability to download, and

	inquires whether the user wishes to request that the RESOURCE be physically delivered to the user. If so, the CLS notifies the REPOSITORY holding the RESOURCE of the user's request. This notification takes the form of a message sent to the ADMINISTRATOR of the REPOSITORY in question, using the CLS. Alternately, the notification can take the form of the CLS sending a message by a commercially available electronic mail service. Sometimes, for added reliability, both types of notification can be undertaken." 14:46-65 "The CLS, automatically, searches each new PROFILE, at the times specified by the user when the INTEREST was created, according to the search criteria established by the INTEREST." 18:64-66
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"The 'IDENTIFY INTERESTS' option allows the user to establish a search which will be done at periodic intervals in the future. The intervals are specified by the user. CLS automatically performs the searches, at the specified intervals, and informs the user of the results." 9:59-62 "SAVE SEARCH AS INTEREST. This option allows a user to establish a standing search, wherein PROFILEs are searched as they are created. For example, if the aerodynamic golf ball maker, described above, chooses this option for the search, then every new PROFILE which is added to the system is searched for the terms "aerodynamic" etc. The user is notified when a PROFILE matching the search criteria is found." 10:43-50 "If the RESOURCE takes the form of down-loadable data, then the RESOURCE is downloaded in the usual manner. However, in the case of video MEDIA, the REPOSITORY holding the RESOURCE may not possess equipment capable of downloading the video by a data link to the user. (That is, the MEDIA may take the form of a videocassette tape. Data stored on such tape can be analog data, rather than digital data. Analog data is not directly downloadable.) In this case, the CLS informs the user of the inability to download, and inquires whether the user wishes to request that the RESOURCE be physically delivered to the user. If so, the CLS notifies the REPOSITORY holding the RESOURCE of the user's request. This notification takes the form of a message sent to the ADMINISTRATOR of the REPOSITORY in question, using the CLS. Alternately, the

	notification can take the form of the CLS sending a message by a commercially available electronic mail service. Sometimes, for added reliability, both types of notification can be undertaken." 14:46-65 "During a search, if the search criteria are fulfilled, the CLS notifies the user. The CLS accomplishes the notification by placing a small icon on the screen of the user's computer. This icon does not disrupt any current activity of the user. One such icon is that located in the lower left comer of FIG. 5, indicating '9 notifications,' meaning that nine PROFILEs were found which match the standing search, or INTEREST." 19:1-7
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	"Assume that the user wishes to obtain item number 7 in FIG. 11. The user highlights this item, using a mouse (or keyboard, or other actuation device, such as a voice sensor), causing the display to appear as in FIG. 12. Then, the user actuates the button labeled "RETRIEVE," causing the display to take the appearance shown in FIG. 13. The icon bearing the subtitle "CLS Download," located at the bottom of the Figure, indicates that a down-loading operation is taking place." 11:22-30 "The user can view the search results, as shown in FIG. 62, by actuating the button at the lower left, associated with the phrase "10 notifications." The search results are then displayed, as shown in FIG. 62." 19:8-11
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"Assume that the user wishes to obtain item number 7 in FIG. 11. The user highlights this item, using a mouse (or keyboard, or other actuation device, such as a voice sensor), causing the display to appear as in FIG. 12. Then, the user actuates the button labeled "RETRIEVE," causing the display to take the appearance shown in FIG. 13. The icon bearing the subtitle "CLS Download," located at the bottom of the Figure, indicates that a down-loading operation is taking place." 11: 22-30 "The user can view the search results, as shown in FIG. 62, by actuating the button at the lower left, associated with the phrase "10 notifications." The search results are then displayed, as shown in FIG. 62." 19:8-11
Claim 25. The method of claim 23, further	

including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	"Assume that the user wishes to obtain item number 7 in FIG. 11. The user highlights this item, using a mouse (or keyboard, or other actuation device, such as a voice sensor), causing the display to appear as in FIG. 12. Then, the user actuates the button labeled "RETRIEVE," causing the display to take the appearance shown in FIG. 13. The icon bearing the subtitle "CLS Download," located at the bottom of the Figure, indicates that a down-loading operation is taking place." 11:22-30 "The user can view the search results, as shown in FIG. 62, by actuating the button at the lower left, associated with the phrase "10 notifications." The search results are then displayed, as shown in FIG. 62." 19:8-11

KK. Georgia Regional Library for the Blind

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The Georgia Regional Library for the Blind Website (Exhibit KK) describes a system that was in public use prior to the priority date of the '243 Patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or renders the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone,

	or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
c) providing a recommender system configured to provide recommendations for playable media titles;	
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	

f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	
Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	Prior Art
Claim 23. A method of electronically notifying a	"[Through the Georgia Regional Library for the

subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	"[Through the Georgia Regional Library for the Blind], Georgians have access to a free national library program which offers braille and recorded materials. All reading material and equipment is sent to borrowers and returned by postage-free mail." Exh. KK. "Your request will be processed within two working days. If the materials you requested are NOT available, you will be notified via e-mail, telephone, or regular US mail. Please call, fax, or e-mail LBPH if you have questions regarding your order." Exh. KK.

wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	

LL. Andrew Haskell Library System

The following statements are based on the claim construction underlying Media Queue's infringement contentions, as best as they can be understood. The Andrew Haskell Library Website (Exhibit LL) describes a system that was in public use prior to the priority date of the '243 Patent. As detailed in the accompanying Invalidity Contentions, it and the system it describes anticipate the asserted claims of the '243 Patent and/or render the asserted claims of the '243 Patent obvious under 35 U.S.C. § 103 alone, or in the combinations identified in Netflix's Invalidity Contentions. In accordance with Patent Local Rule 3-3(c), the chart below identifies by way of example where in each item of the prior art each element of each asserted claim of the '243 Patent can be found. Netflix incorporates herein by reference each of its general reservations.

1. Claim 13 & Dependents

US 7,389,243 (Gross) Claims	
Claim 13. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Media - You may restict your search results to specific media --Braille, Cassette, Descriptive Video, Discs, Large Type, Print Books -- depending upon the types of media collections the library owns. Please note that if you are not 'subscribed' to the media you are searching and you have checked the 'Use Patron Profile' option, you will not find any search matches." Exh. LL ("Terms and Concepts") "Requests - In the Request/Reserve screens, the term 'request' refers to items which are currently on your 'request list' for shipment at a future date when you need books." Exh. LL ("Terms and Concepts") "Reserve - In the Request/Reserve screens, the term 'reserve' refers to items which are currently 'on reserve' for you. They will be shipped to you as soon as they become available, regardless of whether or not you are scheduled for a book shipment." Exh. LL ("Terms and Concepts")
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"E-Mail List - To e-mail the items you have selected. E-Mail Marked Items - E-mail a description of the

	items you have selected." Exh. LL ("Tool Tips")
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition of such rental queue should be altered through additions of playable media titles and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Patron Profile -When performing searches, you can make use of the service profile which the library uses to make selections for Help - Andrew Heiskell Library you. Your Patron Profile includes your reading history as well as other information such as media used, reading level, and subject preferences. See also Patron Record." Exh. LL ("Terms and Concepts") "Patron Record - You can review the information which the library maintains about your service by viewing your Patron Record screen. It lists your current mailing address, subscribed media (including the status, last shipment date, type of service, book limit, # currently out, # shipped this year, # reserves, # requests for each media), reading preferences, preferred authors, and magazine subscriptions. You may also go to this screen to update your Patron Record, send change of address information to the library, or change your password." Exh. LL ("Terms and Concepts") "Reading Preferences - If you have specified preferences for particular subjects or types of material, those 'reading preferences' are used by library staff whenever they select books for you. You may view your 'reading preferences' in your Patron Record screen." Exh. LL ("Terms and Concepts")
wherein said queue replenishment control rules include a trigger event to be used in determining when said subscriber rental queue should be modified, and said trigger event is based on a quantity of playable media items remaining in the subscriber rental queue;	"Reading Preferences - If you have specified preferences for particular subjects or types of material, those 'reading preferences' are used by library staff whenever they select books for you. You may view your 'reading preferences' in your Patron Record screen." Exh. LL ("Terms and Concepts")
c) providing a recommender system configured to provide recommendations for playable media titles;	"Patron Record - You can review the information which the library maintains about your service by viewing your Patron Record screen. It lists your current mailing address, subscribed media (including the status, last shipment date, type of service, book limit, # currently out, # shipped this year, # reserves, # requests for each media), reading preferences, preferred authors, and magazine subscriptions. You may also go to this screen to update your Patron Record, send change of address information to the library, or change your password." Exh. LL ("Terms and Concepts") "Reading Preferences - If you have specified

	preferences for particular subjects or types of material, those 'reading preferences' are used by library staff whenever they select books for you. You may view your 'reading preferences' in your Patron Record screen." Exh. LL ("Terms and Concepts")
d) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
e) causing said recommender system to interact with the subscriber and provide a playable media title recommendation in response to user input provided within a response to said electronic notification;	
f) adding a playable media title recommendation to said subscriber rental queue in response to subscriber input to said recommender system.	
Claim 16. The method of claim 13, wherein said trigger event is based on said quantity of playable media items being equal to zero indicating that said subscriber rental queue is empty.	
Claim 18. The method of claim 13, wherein said electronic notification includes information indicating said quantity of playable media items remaining in the subscriber rental queue.	
Claim 19. The method of claim 13, wherein said electronic notification further provides recommendations on newly released playable media items for said subscriber	
Claim 20. The method of claim 13, wherein said electronic notification further provides recommendations on playable media items based on genre selections made by said subscriber.	
Claim 21. The method of claim 13, wherein additional electronic notifications are sent until said subscriber replenishes said subscriber rental queue to contain a quantity of playable media items exceeding a specified threshold.	

Claim 22. The method of claim 13, wherein said electronic notification includes an embedded uniform resource locator (URL) or an electronic response field associated with a first playable media item which when selected by said subscriber causes said playable media item to be moved to said subscriber rental queue.	

2. Claim 23 & Dependents

US 7,389,243 (Gross) Claims	
Claim 23. A method of electronically notifying a subscriber to a content provider of activity in a subscriber rental queue associated with the subscriber, including the steps of:	"Media - You may restict your search results to specific media --Braille, Cassette, Descriptive Video, Discs, Large Type, Print Books -- depending upon the types of media collections the library owns. Please note that if you are not 'subscribed' to the media you are searching and you have checked the 'Use Patron Profile' option, you will not find any search matches." Exh. LL ("Terms and Concepts") "Requests - In the Request/Reserve screens, the term 'request' refers to items which are currently on your 'request list' for shipment at a future date when you need books." Exh. LL ("Terms and Concepts") "Reserve - In the Request/Reserve screens, the term 'reserve' refers to items which are currently 'on reserve' for you. They will be shipped to you as soon as they become available, regardless of whether or not you are scheduled for a book shipment." Exh. LL ("Terms and Concepts")
a) defining a set of notification rules for the subscriber rental queue, which notification rules are authorized by the subscriber;	"E-Mail List - To e-mail the items you have selected. E-Mail Marked Items - E-mail a description of the items you have selected." Exh. LL ("Tool Tips")
b) monitoring the subscriber rental queue with a computer in accordance with said set of notification rules and a separate set of queue replenishment control rules authorized by the subscriber so that said computer can determine if a composition and/or ordering of playable media titles in the subscriber rental queue should be altered;	"Patron Profile -When performing searches, you can make use of the service profile which the library uses to make selections for Help - Andrew Heiskell Library you. Your Patron Profile includes your reading history as well as other information such as media used, reading level, and subject preferences. See also Patron Record." Exh. LL ("Terms and Concepts") "Patron Record - You can review the information which the library maintains about your service by

	viewing your Patron Record screen. It lists your current mailing address, subscribed media (including the status, last shipment date, type of service, book limit, # currently out, # shipped this year, # reserves, # requests for each media), reading preferences, preferred authors, and magazine subscriptions. You may also go to this screen to update your Patron Record, send change of address information to the library, or change your password." Exh. LL ("Terms and Concepts") "Reading Preferences - If you have specified preferences for particular subjects or types of material, those 'reading preferences' are used by library staff whenever they select books for you. You may view your 'reading preferences' in your Patron Record screen." Exh. LL ("Terms and Concepts")
c) sending an electronic notification to the subscriber with said computer in response to an affirmative determination under step (b) that such notification is necessary based on said set of notification rules;	
wherein said notification provides directions for the subscriber to accept and/or modify any proposed alterations of the subscriber rental queue;	
further comprising said subscriber accepting and/or modifying said proposed alteration based on said directions.	"Patron Profile -When performing searches, you can make use of the service profile which the library uses to make selections for Help - Andrew Heiskell Library you. Your Patron Profile includes your reading history as well as other information such as media used, reading level, and subject preferences. See also Patron Record." Exh. LL ("Terms and Concepts") "Patron Record - You can review the information which the library maintains about your service by viewing your Patron Record screen. It lists your current mailing address, subscribed media (including the status, last shipment date, type of service, book limit, # currently out, # shipped this year, # reserves, # requests for each media), reading preferences, preferred authors, and magazine subscriptions. You may also go to this screen to update your Patron Record, send change of address information to the library, or change your password." Exh. LL ("Terms and Concepts") "Reading Preferences - If you have specified preferences for particular subjects or types of

	material, those 'reading preferences' are used by library staff whenever they select books for you. You may view your 'reading preferences' in your Patron Record screen." Exh. LL ("Terms and Concepts")
Claim 25. The method of claim 23, further including a second electronic notification to the subscriber which confirms any subscriber action taken in response to said electronic notification.	
Claim 26. The method of claim 23, wherein said electronic notification further includes an embedded uniform resource locator (URL) or an electronic response field to solicit a feedback rating from the subscriber for a playable media title identified in said notification.	